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In the Best Interest of the Child

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In the best interest of the child?

*A study into a decision-support tool validating asylum-seeking children's rights
from a behavioural scientific perspective*

Elianne Zijlstra

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A study into a decision-support tool validating asylum-seeking children's rights from a behavioural scientific perspective

Elianne Zijlstra

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In the best interest of the child?

A study into a decision-support tool validating asylum-seeking children's rights
from a behavioural scientific perspective

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1.1 | Introduction

In the lives of children, adults are the ones who take decisions regarding children. The primary responsibility for choices in the child's upbringing and care resides with the parents (Cardol, 2007). They are expected to take decisions in line with the best interests of the child and to take their child's opinion seriously. In the United Nations Convention on the Rights of the Child (CRC), Article 18(1) stipulates the following concerning the responsibilities involved in childrearing: "...both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern."

It is not only the parents, but also the government that has a duty in making decisions in matters relating to children (Willems, 2007). In judicial decision-making, for example, the judge of the juvenile court may decide to limit parents' authority or to have the child (temporarily) grow up in another childrearing situation, if the parents are unable to put the best interest of their child first and are thereby damaging his¹ development. In juvenile criminal law too, the juvenile court judge makes decisions that influence children's lives and in which the interests of children are a major consideration.

The motivation for this study is the lack of an unambiguous interpretation of the concept the *best interest of the child*, a term that is used in judicial decision-making, particularly when the child's place of residence is a major issue and the question specifically relates to where the child can best grow up. The concept 'best interest of the child' occurs frequently in Dutch legal texts and in international conventions and directives. For instance, Book 1 of the Dutch Civil Code (DCC) regularly refers to 'the best interest of the child', for example regarding child protection measures (Art. 1:266 DCC; Art. 1:269(1) DCC). In the CRC too, 'the best interests of the child' is cited several times. The most important stipulation in which this concept is cited occurs in Article 3(1) CRC in which it is determined that 'the best interests of the child' should be a *primary consideration* in all decisions relating to children. The Department of Administrative justice of the Council of State considered that Article 3(1) CRC contained insufficiently clear standards to be applied for direct execution (ABRvS 23 September 2004, JV 2004/449, m.nt.PB). The interpretation is usually left to the administrative courts.

Through the lack of a clear definition of the concept 'best interest of the child' and the absence of a method to make an unequivocal assessment of this concept, there is immense scope for professionals to interpret the concept as

¹ 'He', 'him', 'his' and 'himself' should be understood to mean also 'she', 'her' and 'herself' and to refer to males and females.

they see it. With some regularity, professionals have expressed various views as to which decree best serves the interest of the child. For example, in the case where one professional considers in-home placing to be in the best interest of the child, another party may feel that continued out-of-home placing is in the best interest of the child (Alston & Gilmour-Walsh, 1996; see also Davidzon & Benbenishty, 2008). This diversity of opinions underlines the necessity of further definition of the concept ‘the best interest of the child’ and development of an instrument to measure this concept in a valid way.

With a tool that objectively and validly can define and measure the concept ‘best interest of the child’ from an interpretative framework of pedagogy and developmental psychology, a basis could be provided for decision-making in order to take into account the importance of children’s development. At the moment, however, such a tool does not exist. Nevertheless, there are instruments on hand that measure family functioning in relation to children’s development (e.g., Bifulco & Jacobs, 2010; Parker, 1990). On the basis of a survey study, Jameson, Ehrenberg and Hunter (1997) developed a questionnaire with criteria for assessing the best interest of the child. However, in this questionnaire there is no link established between a pedagogical/developmental psychological vision on the best interest of the child and the stipulations in the United Nations Convention on the Rights of the Child.

As it is impossible to make a decision on the interest of the child if it contravenes the CRC (Tobin, 2004), the CRC offers an excellent framework for further interpretation of the concept ‘best interest of the child’ (Zandvliet, 2008). Kalverboer and Zijlstra (2006b) indicated that ‘the best interest of the child’ can be interpreted as *the right to development*. This basic principle implies a link between two key provisions of the CRC: Article 3 and Article 6. Children’s right to development is laid down in Article 6. The logical extension of this is to establish that a child receives optimal opportunities of development, as he is stimulated in a qualitatively good childrearing environment (Cardol, 2007; Kalverboer & Zijlstra, 2006b; Kok, 1999).

1.2 | Objectives and research questions

The most important objective of this study is the development and validation of a measurement instrument, in which the legal concepts ‘best interests of the child’ and ‘right to development’ are put into practice in terms of pedagogy and developmental psychology. The intention, with such an instrument, is to map out in a valid and reliable manner the pedagogical developmental provisions for children who are in a vulnerable position and about whose (future) residence situation (legal) decision-making is in progress or is being prepared. We would

also like to explore whether the instrument could play a role in supporting this type of decision-making.

We are focussing our research on a group of children who are in a particularly vulnerable position: *asylum-seeking or refugee children*². Juvenile law and the interests of these children are underrepresented in law and policy concerning aliens (Kinderrechtencollectief [Juvenile law collective], 2008). No attention is paid to the question of whether justice is best done to the interest of the child and his development by granting a permit for continued residence in the Netherlands or by a rejection of this application (involving a return to the country of origin). Whereas in civil and criminal law, when the interests of children are at issue, behavioural scientists in the field of child development are asked to do diagnostic examinations and to make recommendations, such safeguards are absent in law and policy concerning aliens. At the same time, lawyers do not usually have the necessary knowledge of developmental psychology and pedagogy to make a correct assessment of these interests (Kalverboer & Zijlstra, 2006c, 2008a).

The Committee on the Rights of the Child, which monitors compliance with the CRC, indicated in its 2009 report that Article 3 CRC (best interests of the child) is not safeguarded in the legislation concerning asylum-seeking children or in the appropriately adapted government procedures (Committee on the Rights of the Child, 2009). Because children do not have their 'own position' in the asylum procedure, but only that derived from their parents, the best interests of children are often treated as indistinguishable from those of their parents. However, research has shown that the longer the duration of residence in the Netherlands, the more the interests of parents and children diverge (Kalverboer & Zijlstra, 2006c). Moreover, parents are often no longer in a position to stand up for their own interests and those of their children. Because the interest of children is 'derived' from that of their parents, situations in which the interests of parents and children are incompatible are often overlooked. It can be assumed that asylum-seeking children, partly because of their weak legal position, are extremely vulnerable. We posit that this is significant for their psychosocial development (Derluyn & Broekaert, 2008; Kalverboer & Zijlstra, 2006c).

Several studies have been carried out internationally into asylum-seeking children's development and the context in which they are growing up (e.g., Bronstein & Montgomery, 2011). However, to date, an integrated study into the development and upbringing of asylum-seeking children who with their parents have submitted an asylum application has not yet been executed. In our research,

² Our use of the term 'asylum-seeking children' includes all children who, alone or with the parents/carers, request the right to asylum in an EU Member State.

therefore, we want to examine what is the situation of asylum-seeking children regarding their current and expected behavioural development and upbringing.

The above-mentioned objectives led to three questions:

1. Which concepts, relevant in pedagogy and developmental psychology, embody the legal concepts ‘best interest of the child’ and ‘right to development’, and how is the ensuing theoretical framework related to (stipulations in) the United Nations Convention on the Rights of the Child (CRC)?
2. What are the psychometric qualities and the practical value of a diagnostic instrument (the BIC-Q) based on this theoretical framework, used with asylum-seeking children when decision-making is taking place about their future residence situation?
3. What is the actual state of development of these asylum-seeking children, what is the pedagogical context in which they are growing up and what are the expectations as to their development, either in a continuation or a change in their residence situation or pedagogical context?

1.3 | Outline of the present study

The research method implemented to answer the first research question is in the form of an international literature study into the legal concepts ‘best interest of the child’ and ‘right to development’. The study draws on the findings of behavioural science on the development of children and the childrearing environment in which they have the optimal opportunities of development (*Chapter 2*). This literature study provides the foundation for a theoretical model, the Best Interest of the Child model (BIC-model), which is made operational in a questionnaire we developed, called: Best Interest of the Child Questionnaire (BIC-Q).

The second research question is answered in an empirical study in which the instrument we developed (the BIC-Q) is tested as to reliability and validity (*Chapters 3 and 4*) and on practical value (ecological validity) in situations of current decision-making (*Chapter 5*). As previously stated, the study group consists of asylum-seeking children who have submitted an application for a residence permit in the Netherlands.

In answer to the third research question, we also made use of data collected in empirical research on asylum-seeking children, who have been waiting for a long time for a decision on continued residence in the Netherlands or return to the country of origin (*Chapter 6*). The picture emerges of how this group of asylum-seeking children are developing in the Netherlands, what is the context in which they are growing up and what are their expectations regarding their

development in the (future) residence situations ‘return to the country of origin’ or ‘continued residence in the Netherlands’.

Finally, in *chapter 7*, we end the thesis with conclusions and a reflection on the central research findings.

The construction of this study is displayed schematically in Figure 1.1

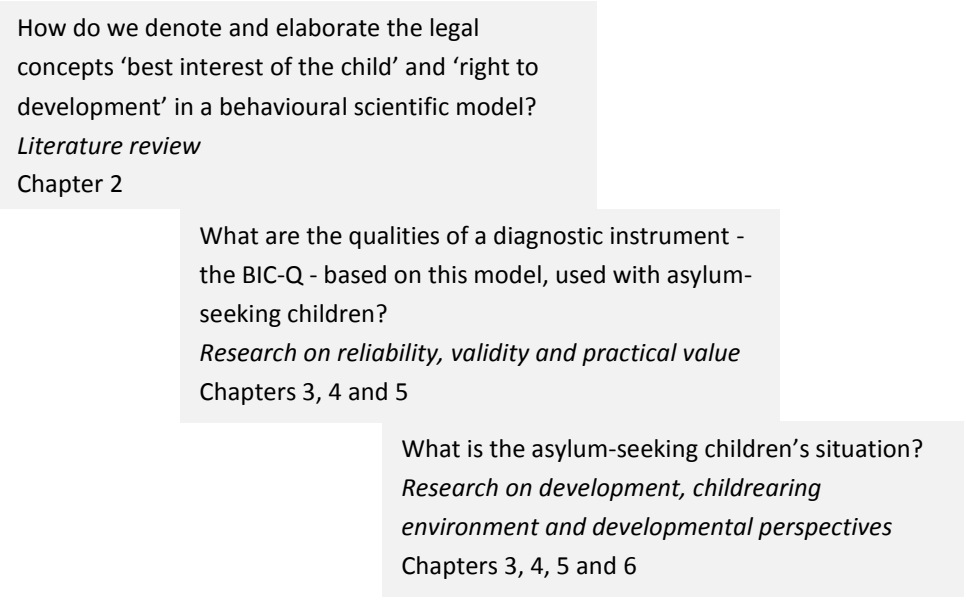


Figure 1.1
Overview of this study

This chapter is an extension of:

Kalverboer, M. E., & Zijlstra, A. E. (2006). *Het belang van het kind in het Nederlands recht: Voorwaarden voor ontwikkeling vanuit een pedagogisch perspectief* [The best interest of the child in Dutch law: Conditions for development from a pedagogical perspective]. Amsterdam: SWP Publishers.

2.1 | Introduction

How can the interests of children be depicted and assessed in choices made by adults that can influence the pattern of their future life? The United Nations Convention on the Rights of the Child (CRC) stipulates in Article 3(1): “The best interests of the child shall be a primary consideration in all actions concerning children.” Article 3 is one of the most frequently discussed and most criticised articles in the Convention (Freeman, 2007). The problem is that the explanation of the concept ‘best interests of the child’ is not defined in the text of the Convention. Its content is contentious and is variously interpreted. Freeman (2007) emphasised the challenge and the necessity of creating a consensus in terms of an explanation of the rights of children in such a way that this explanation would transcend cultural differences in various populations.

This thesis will present a theoretical framework developed for the purpose of answering the question of how the best interests of the child can be interpreted as the interest of the child’s development and evaluated in relevant decision-making situations. We will explain this concept, from the perspective of developmental psychology and pedagogy, in terms of the importance of the child’s development, and thereby the creation of opportunities in the child’s (immediate) environment to enable him to reach that development (Heiner & Bartels, 1989).

Children’s development takes place in interaction with the environment in which they are growing up. Not only innate factors and environmental factors, but also the interaction between the two plays a role in this development. Genetic factors are at the root of children’s development. However, from conception onwards, there are other factors playing a role, which also have a great influence after birth (Van IJzendoorn, 2008; Verhulst, 2008). For example, there are clear indications that the use of alcohol during pregnancy can have a negative influence on the child’s development (Brown, Burman, Duong & Stanton, 2009). In addition, adequate nutrition for the mother is essential for optimal growth of the child. There are many examples that can be quoted in which innate factors and factors of environment are intertwined in children’s development (Verhulst, 2008). In this chapter, both these components that influence the child’s development will be taken as the starting point.

The aim of this chapter is to elaborate the contents of a theoretical framework wherein major factors are described that have an influence on children’s development. In this respect, we are particularly focused on *factors in the child’s environment*, which create optimal opportunities for a healthy physical and mental development. The overview thus drawn forms the basis for what is known as the Best Interest of the Child (BIC-) model that we will present later. This BIC-model is a psychological and pedagogical conceptual framework, with which a

number of major factors in the child's rearing environment can be described and explained.

The model has been put into practice in the form of a questionnaire for professionals: the BIC-Questionnaire (abbreviation: BIC-Q). This questionnaire can be used to make an assessment of the extent to which the rearing environment that a child experiences, or may experience, is at odds with 'the best interest of the child', in this instance, his chances of optimal development.

The BIC-model is based on the social-ecological model (Bronfenbrenner, 1979), the process model of parenting (Belsky & Vondra, 1989) and the multiple risk model (Van der Ploeg, 2007a). These theoretical frameworks are described in section 2. The 'conditions for optimal development', as formulated by Bartels and Heiner (Bartels & Heiner, 1994; Heiner & Bartels, 1989) below, set the scene for a more discriminating description of conspicuous environmental factors. We will consider their contribution in section 3. Also prompted by this model of 'conditions for optimal development', we carried out an *in-depth literature study* in the field of behavioural science, resulting in a set of pedagogical environmental conditions which, according to the most recent state of research, are of vital importance for children's development (section 4). In addition, we will also investigate whether, or in what way, the importance of these pedagogical environmental conditions is related to the developmental phase the child is in; at this we will make a distinction between three age groups (section 5). Subsequently, the result of our literature search, the BIC-model, will be presented. In this model, we will establish a connection between on the one hand the pedagogical environmental conditions identified and on the other hand the rights of the child, as drawn up in the CRC (section 6). This enables us to implement the desired details of the juridical concept 'the best interest of the child' in a behavioural scientific, evidence-based context. Finally, there is a summary and conclusion (section 7).

2.2 | Theoretical frameworks: child development in relation to environment

The rearing environment, the social context in which the child grows up and the attendant child factors influence the child's development and also determine the outcomes of development. Various theoretical models assume that the child develops in the context in which he finds himself. These models each have a different approach, place a different emphasis and have different implications. But they all distinguish the factors that are of interest for the child: the parents and the context in which the development of the child takes place. Furthermore, they all indicate that these factors have a reciprocal influence. The social-

ecological model (Bronfenbrenner), the process model (Belsky) and the multiple risk model (Van der Ploeg) evolve from this theoretical paradigm as prominent representatives and will be discussed successively.

2.2.1 Social-ecological model (Bronfenbrenner)

Bronfenbrenner (1979), in his social-ecological model, views the (personality) development of children from the viewpoint of their relationship with the environment. Larger social systems influence children's development. In this respect, he describes four systems from which the social-ecological environment model is constructed. Figure 2.2 presents the model in diagram form. The *microsystem* reflects the various situations in which the child gains experiences and is in relationships with others, for example the family or the school. The *mesosystem* reflects all the microsystems, all the reciprocal relationships of the situations in which the child develops. The *exosystem* reflects the indirect environment, which influences the child, although he is not a direct part of it, for example, his parents' work environment and social facilities. The system surrounding the exosystem, the *macrosystem*, includes cultural and sub-cultural influences, such as religion, politics and government policy. These four systems are linked to one another and there is interaction and exchange between the systems. Risk factors occur in the various systems that have a negative influence on children's development (Bronfenbrenner, 1979).

At a later stage, Bronfenbrenner and Morris (1998) described four components, which may influence a child's development. The ecological model underpins these components. The first component includes biological influences, such as genetic influences, food and exposure to harmful substances. The second component comprises the child's immediate environment, such as the family, nursery, school and the local area in which the child is growing up. The third component includes social and economic factors, such as education, sports facilities and economic circumstances. Finally, the fourth component comprises the cultural context, i.e. standards and values and the child's behaviour ensuing from the cultural context in which he is growing up.

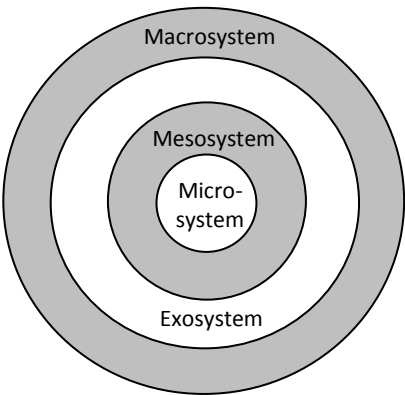


Figure 2.1
Social-ecological model

2.2.2 Process model (Belsky)

Belsky's (1989) process model reflects determinants that influence *parental functioning* and the manner in which these factors are linked both reciprocally and with parental functioning. Figure 2.2 presents the process model of the determinants of parenting. Parental functioning between parents and child and the factors that influence this relationship are of primary importance. Upbringing is seen as a bi-directional relationship between parent and child. The three main domains of determinants on parenting are: characteristics of the parents; characteristics of the child and the broad social context in which the parenting functioning takes place. According to Belsky, the parents' personal psychological characteristics form the most important determinant of the parents' childrearing behaviour. He emphasises that the factors of the parents' relationship with each other, social support and the work situation influence the child's development via the childrearing relationship. In addition, the parents' childrearing history, their marital relationship, social support and professional situation exercise a direct influence on the personal functioning of the parents. Thus, there is an indirect influence on parental functioning and on the child's development (Belsky & Vondra, 1989).

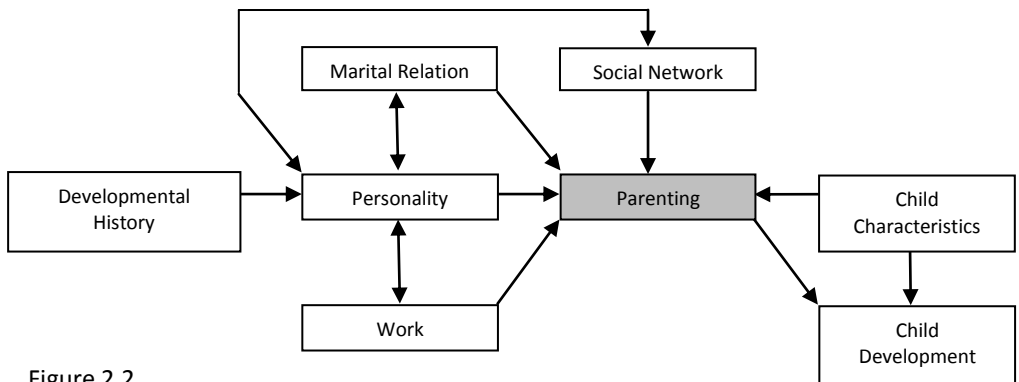


Figure 2.2

Process model: the determinants of parenting

2.2.3 Multiple risk model (Van der Ploeg)

The multiple risk model of Van der Ploeg (2007a) provides a theoretical framework in which risk behaviour of children is predicted on the basis of risk factors in personality, the situation and the interaction between these two factors. The multiple risk model (see Figure 2.3) is based on socio-ecological, cognitive-psychological and the stress-theoretical approaches. Van der Ploeg indicates that the most crucial factors, which research denotes as being strongly linked with psycho-social problem behaviour, are included in the multiple risk model. Risk factors in the child's environment are considered to come across in domains like school, family, leisure time, traumatic events and social support

systems. Risk factors in the environment and in children’s personality have reciprocal influence and are closely linked. Thus, the more risk factors are present in the environment in which the child is growing up, the greater the chance of psycho-social problem behaviour (Van der Ploeg, 2007a).

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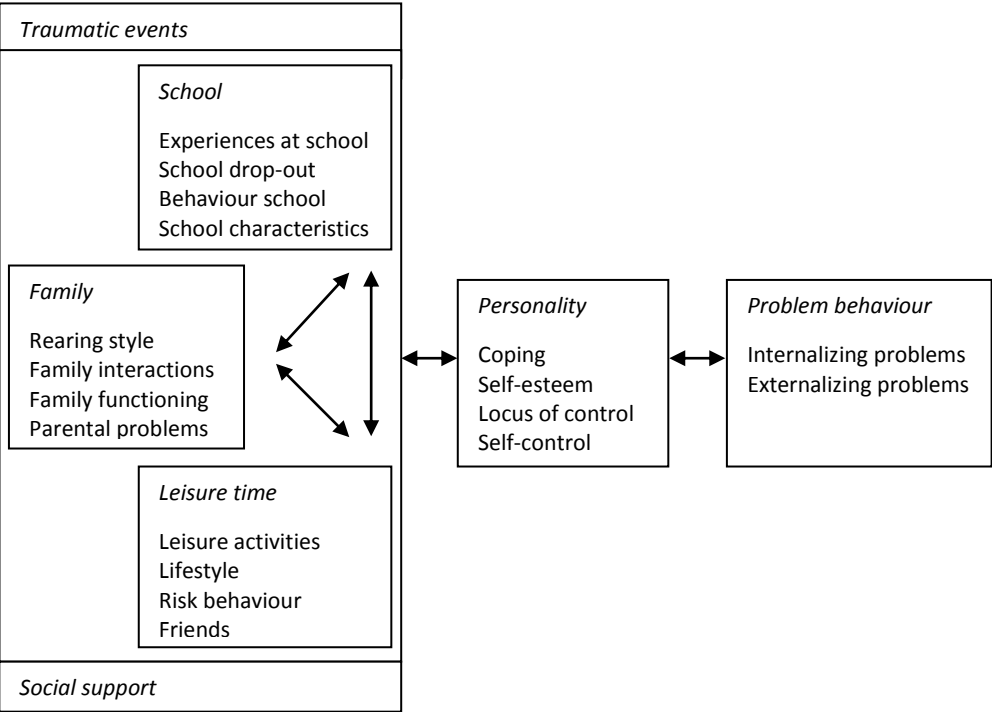


Figure 2.3
The multiple risk model

2.2.4 *Development in relation to environment*

According to Bronfenbrenner, Belsky and Van der Ploeg, the (personality) development of children is seen as a bi-directional interaction between child factors (biological) and environmental factors. Child factors determine the individual possibilities and environmental factors provide opportunities for children to develop and expand these possibilities. And these factors in turn influence each other. For example, the parent-child interaction influences the behaviour of the child and this behaviour will influence the parent-child interaction (Gerris, 1999).

The environmental factors cover a large area. Influences on the child's development include the family, in which he grows up, as well as his education, the neighbourhood in which he lives, leisure time and the social-cultural context. The family is a major influencing factor, specifically the rearing relationship the child has with his parents (Belsky, 1989). Cicchetti and Lynch (1993) provide an ecological, transactional analysis of risk and protective factors that can be related to children's behaviour, children's emotional development and traumatic stress.

The environment influences the child's development both directly and indirectly. Direct influences are, for example, school and the peer group. The child does not come into immediate contact with indirect factors. For instance, parental functioning is influenced by their personal problems and life story, their work situation, the social support they receive and their marital relationship. This influences the way in which the parent constructs the parental relationship with the child (Belsky & Vondra, 1989). A parent, for instance, who is struggling with psychiatric problems constructs a different parental relationship than that of a parent who is not struggling with such problems (Pounds, 1982). Conversely, the absence of psychiatric problems has a protective influence on a child's development. The presence of psychiatric problems exposes the child's development to developmental risks, which might lead to problems in development and problem behaviour.

In conclusion environmental factors can have both protective and hazardous effects on children's development. It is the case that the more risk factors are present in children's upbringing and in genetic and biological factors, the greater the chance of developmental damage (Van der Ploeg, 2007a).

The above-mentioned view of the relationship between child development and environment, which jointly determine children's developmental outcomes, forms the basis for the theoretical framework to be developed in this chapter, in which there is a description of the crucial pedagogical environmental conditions that influence children's development. An initial move to determine the environmental conditions on the basis of this point of view was provided by two psychologists, Bartels and Heiner (1994). They described an environmental model in which a child could develop optimally. Details of this model will be given below.

2.3 | Conditions for optimal development (Bartels and Heiner)

Heiner and Bartels (1989) provided an interpretation of 'the best interests of the child' from a psychological perspective. According to them the main influence on the child's development is the environment in which he grows up. The relationship between the environmental factors and the child's development

results in the child's final personality (Bartels & Heiner, 1994). This process can lead up to desired, appropriate behaviour on the one hand and problem behaviour and delinquent behaviour on the other. A type of environment in which growing children have optimal opportunities of development is illustrated in a model in which *conditions for an optimal development* are formulated (Bartels & Heiner, 1994).

On the basis of a literature search and experiences in the field of youth care, conditions have been formulated that contribute to the optimal development of the child. The central perspective is also the child's development. 'The best interest of the child is the best interest of his development, of the most favourable developmental chances possible in the given situation for that development' (Heiner & Bartels, 1989; p.62). In Figure 2.4, there is an illustration of the conditions for optimal development.

On the basis of an assessment of these conditions, the current developmental environment can be established and, where there are inadequacies, there can be an indication of how these can be restructured in order to create a positive developmental perspective. If one or more conditions are not complied with over a longer period of time there is a risk for the child's development. The conditions are closely linked with one another and an inadequacy in one of the conditions can, to a certain extent, be compensated by the presence of another condition.

The environment in which a child can develop optimally

Adequate physical care: Care for the child's health and physical wellbeing, such as provision of a place to live, warmth, clothing, personal belongings, food and income.

Safe physical environment: There is no physical danger and nor are there any toxic threats in the home or the neighbourhood.

Continuity and stability:

- Stability in the child's living conditions (the environment does not change unexpectedly, any changes are announced in advance, the young person knows why a change is taking place and feels that his desires have been taken into account).
- Continuity in care (parent or caregiver looks after the young person long enough for adequate bonds of attachment to develop. The transfer from one carer to another does not take place too abruptly).
- A favourable development (where possible, pursue a favourable or potentially favourable development, such as work, education and a relationship with a significant person from the environment).

Interest: Interest in the child, in his perception of the world and in his person - preferably by the parent or caregiver.

Respect: The needs, wishes, feelings and desires of the child are taken seriously. In any case by the parents or caregivers, but it is also desirable that others with whom the child comes into contact show this respect.

Protection, support and understanding: Protection, support and understanding of at least one adult, preferably the parent or caregiver.

A supportive, flexible structure, adapted to the child:

- Adequate daily routine in his life.
- Encouragement and stimulation.
- Making realistic demands.
- Setting limits and making rules. Showing insight into, and arguments for, the stated limits and rules.
- Allowing the child enough scope to express his wishes and freedom to pursue his own initiative and to experiment, as well as the freedom to (learn to) negotiate over the structure.
- The child should not have more responsibility than he can manage and he should experience the consequences of his behaviour within the limits. In this way, he learns to estimate the consequences and learns to judge his behaviour.

Safety: Safety is a basic developmental condition. If the first seven conditions have been met then the condition of safety is automatically met. Apart from the conditions specified above, the minimum requirement for safety can also be expressed as follows: the need for an adult who brings oversight and structure into the life of the child, whose presence has an anxiety-reducing effect, who brings about continuity and stability and who gives the child enough scope for his own wishes and initiative.

Adequate examples: The child comes into contact with other children and adults whose action, behaviour, norms and values can be a significant example to him now and probably in the future.

Education: Children and young people should get education and training and the opportunity to develop talents (e.g. sport or music).

Interaction with the peer group: Interaction with his peer group in various situations.

Exposure to and contact with his own past: The child has the right to as honest a portrayal possible of his own origin once he is ready for that and help in processing it if necessary.

- Contact with the biological parents or significant persons from the child's past and if necessary support and guidance thereby if the child so desires and is ready to do this and if it is not emphatically undesirable.
- Integration into the current life of past experiences in order to improve psychosocial functioning if desired and indicated.

Figure 2.4

Conditions for optimal development according to Bartels and Heiner (1994)

2.4 | Crucial pedagogical environmental conditions for children's development: an in-depth literature study

The conditions for optimal development (Heiner & Bartels, 1989) offer a model that can be used as a testing framework to describe and assess children's upbringing situation. But are the conditions for optimal development as described by Bartels and Heiner also the most significant pedagogical environmental conditions that are of crucial importance for children's development? What is the evidence-base of their model?

In order to answer these questions, the conditions were subjected to an expanded literature study aiming to determine the essential pedagogical environmental conditions for children's development. We were looking for evidence on children's behavioural problems and their inherent risks in relation to growing up and rearing situations and conditions within and outside the family. We focussed on overview papers and handbooks that were published after Heiner and Bartels' first article (1989). We made use of the comprehensive collection of handbooks and chapters on child psychology and pedagogy, present in the library of the Faculty of Behavioural and Social Sciences of the University of Groningen. Doing this the following key terms were applied: best interest of the child, growing up, childrearing situation/environment, problematic rearing situation/environment, behavioural problems, antisocial behaviour, delinquent behaviour, developmental disorder/problems, risk factors, protective factors, and child development.

In sorting out our findings Bartels and Heiner's model was used as a frame of reference. We compared our results with those used by them as base for their model of optimal developmental conditions. If the findings from our study did not match with those in the study by Heiner and Bartels (1989), the descriptions and specifications were modified and updated according to the most recent knowledge, and - if required - pedagogical environmental conditions were added.

A distinction was made in the pedagogical environmental conditions between those pertaining at *family level* and those at *societal level*. Next, within the pedagogical environmental conditions in the family a distinction was made between those concerning the physical welfare of the child and those focused on childrearing and bearing responsibility for an adequate social, emotional and cognitive development.

The pedagogical environmental conditions were also placed in a *time perspective*. It is important for children's development that adequate conditions are present in the current situation, but also that they were present in the past and will be present in the future.

Our analysis resulted in an updated series of crucial pedagogical environmental conditions, which together form the basis of the BIC-model. In order to clarify the results of our research in main lines, the BIC-model is presented in Figure 2.5.

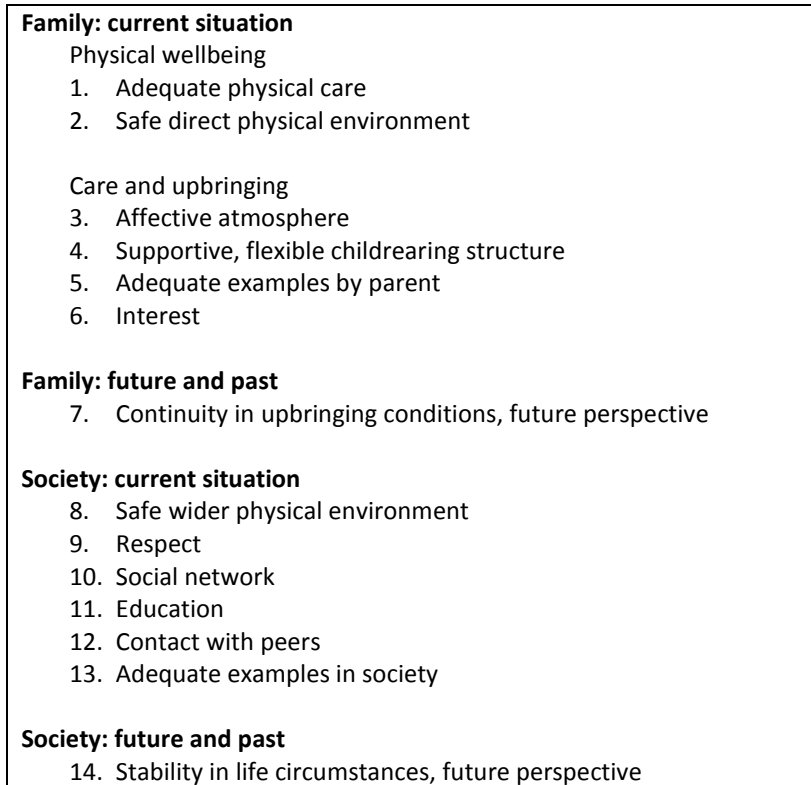


Figure 2.5

BIC-model: Pedagogical environmental conditions

Underneath we will discuss the pedagogical environmental conditions one by one, completed with the relevant scientific underpinning. The description of each of the conditions begins with its definition.

2.4.1 Adequate physical care

Definition: Adequate physical care refers to the care for the child's health and physical well-being by parents or care-providers. They offer the child a place to live, clothing to wear, enough food to eat and (some) personal belongings. There is a family income to provide for all this. In addition, the parents or care-providers are free of worries about providing for the child's physical well-being.

Article 27 CRC states that an adequate standard of living protects the child against cognitive, social, emotional and moral development risks (Junger,

Mesman & Meeus, 2003; Loeber, Slot & Sergeant, 2001; Smith, 1995). Neglect of children has consequences for their mental health and development (Cicchetti & Lynch, 1995; Drake & Pandey, 1996).

A crucial parenting task is the care task: the creation of a caring environment in which the child can learn and develop. Parents bear the responsibility for the care of children. This includes personal hygiene, food, housing, clothing and taking to school. When there is a failure in the adequate care of a child or when there is neglect, this represents a main risk factor for the child's development (Bakker, 2001). Leseman and Van der Aalsvoort (2000) report that in economically less well-endowed families the childrearing style is characterised by the inadequate provision of care (see also Baartman, 1990; Bouwmeester, Deković & Groenendaal, 1998; Groenendaal & Van Yperen, 1994; Rispens, 1994).

Various structural factors exert an influence on the child's development. A lower socio-economic status of a family forms a risk factor for a child's development and can be interpreted as an indicator for possible problems in diverse areas such as financial problems, poor housing, living in a disadvantaged area, unemployment, low level of education, social exclusion, criminality, addiction and problems of acculturation. Consequences of living in poverty can be that insufficient (or restricted) food and clothing can be bought for a child, membership of an association (e.g., sports) cannot be paid or that there is a risk of gas, water or light being cut off.

The above factors also have an effect on the functioning of the family, including the health of the parents. There is no direct relationship between a poor health of the parents and psycho-pathology of the children, but poor outcomes can be explained by the disturbing effect of the parents' poor health on their method of childrearing, which in turn can lead to problem behaviour in the children (Downey & Walker, 1992). Thus, living in poverty can raise the stress levels of the parents. This stress will influence the parents' reaction to the child, which affects the child's development. In the 'Stressful Life Events Scale' (Sandler & Block, 1979), it is stated that an improvement in the family's financial situation is to be desired for a positive influence on the child's development. It is also mentioned that the absence of financial problems is a protective factor in preventing child maltreatment. Good health is a protective factor for the development of a child (Angenent, 1996; Bouwmeester et al., 1998; Clark, Kochanska & Ready, 2000; Conger, Ge, Elder, Lorenz & Simons, 1994; Deković, Janssens & Van As, 2001; Groenendaal & Van Yperen, 1994; Hetherington & Clingempeel, 1992; Junger et al., 2003; Leseman & Van der Aalsvoort, 2000; Loeber et al., 2001; Patterson & Capaldi, 1991; Scholte & Doreleijers, 2001; Snel, Van der Hoek & Chessa, 2001; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

2.4.2 *Safe direct physical environment*

Definition: A safe direct physical environment offers the child physical protection. This implies the absence of physical danger in the house or neighbourhood in which the

child lives. There are no toxics or other threats in the house or neighbourhood. The child is not threatened by abuse of any kind.

Growing up in a safe environment is a basic need in relation to children's development (Loeber et al., 2001; Rutter, Giller & Hagell, 1998). Children who grow up in unsafe circumstances display mental problems and problems in their social and emotional development. Growing up in unsafe situations constitutes a risk factor for children's development.

Other risk factors in this context are: violence and discord in the marriage, (child) maltreatment, violence on TV, lack of safety in the neighbourhood or at school and the availability of weapons in the local area. The availability of weapons and the possession of firearms by youngsters play a significant role in the development of antisocial behaviour. Violent behaviour has become more perceived as also a result of violence in video films and in the media. Research has shown that after seeing a violent video, a person can display more aggressive behaviour (Baartman, 1990; Loeber et al., 2001; Rutter et al., 1998).

Maltreatment of children by the persons on whom they are most dependent for their protection and care has more long-term and pervasive effects on their development (Cicchetti & Lynch, 1995). Children who are maltreated at an early age have more developmental delays in the field of cognition and language. Physically maltreated children more frequently display avoiding mechanisms in attachment behaviour. In stressful situations, they do not seek any attention or contact. It is known that physical maltreatment has an effect on the development of the self-image of children. Externalizing problem behaviour, such as aggression and rule-breaking and behaviour disturbances often occur in maltreated boys. Internalizing behaviour problems such as depression and poor self-image occur in girls. Attachment, self-control, cognition, affection, trust in others and initiative are often damaged in maltreated children (Cicchetti & Lynch, 1995).

2.4.3 *Affective atmosphere*

Definition: An affective atmosphere implies that the parents or care-providers of the child offer the child emotional protection, support and understanding. There are bonds of attachment between the parent(s) or care-giver(s) and the child. There is a relationship of mutual affection.

A child learns to cope adequately with the effects of stress if he has a supportive relationship with at least one of his parents (Rutter, 1990; Smith, 1995). Children who are given inadequate care by their parents run an increased risk of having a depression in later life (Brown, Cohen, Johnson & Salzinger, 1998). Although these depressions may be of a temporary nature, the provision of a warm and affectionate childrearing atmosphere plays a crucial role in a healthy development (Van IJzendoorn, 2008). Depressions and internalizing problem

behaviours are often associated with psychological maltreatment (Wenar & Kerig, 2000). A healthy attachment relationship between children and their parents is essential for the later development of personality. It is important that parents react in a responsive and sensitive manner to the signals of the child. Dimensions in the parent-child relationship associated with a positive development of children are characterised by warmth, support, sensitivity and responsiveness. Such upbringing reflects a meaningful change in behaviour of children (Ainsworth, Blehar, Waters & Walls, 1978; Baumrind, 1991; Hetherington, Henderson & Reiss, 1999; Sanders, Markie-Dadds, Tully & Bor, 2000; Scott, Spender, Doolan, Jacobs & Aspland, 2001). Ignoring children's feelings and initiatives is one of the main reasons for insecure attachment behaviour. Cognitive development is more damaged by ignoring children than by other forms of maltreatment (Cicchetti & Lynch, 1995).

Kok (2003) explains that security is essential for social development. In warm families, relationships between family members are characterised by warmth and affection; family members are involved with one another, children are offered emotional support and there is a prevailing atmosphere of cohesion, the reaction to children is responsive and sensitive, children are given the attention they require and parents show acceptance of, and attachment to, the children. The provision of an affective climate in which there is sufficient scope for the individuality of the child and scope for exploration contributes to an adequate identity development (Angenent, 1996; Bouwmeester et al., 1998; Bullens, 2003; De Wit, Slot & Van Aken, 2004; Deković et al., 2001; Groenendaal & Van Yperen, 1994; Junger et al., 2003; Leseman & Van der Aalsvoort, 2000; Rispens, 1994; Van der Aalsvoort & Stevens, 2000; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

2.4.4 *Supportive, flexible childrearing structure*

Definition: A supportive, flexible childrearing structure encompasses several aspects like:

- enough daily routine in the child's life;
- encouragement, stimulation and instruction to the child and the requirement of realistic demands;
- rules, limits, instructions and insight into the arguments for these rules, limits and instructions;
- control of the child's behaviour;
- enough space for the child's own wishes and thoughts, enough freedom to experiment and to negotiate over what is important to the child;
- no more responsibilities than the child is capable of handling (in this way the child learns the consequences of his behaviour within the limits which the parents or care-providers have set).

Positive childrearing involves more than the provision of warmth and support. Adequate childrearing also involves the provision of a structure. A childrearing style in which there is a balance between providing affection and structure is

called *authoritative parenting*. This method of upbringing fosters social competence, self-esteem, a feeling of responsibility, development of independence and a positive self-image. It is characterised by the setting of limits and requirements, the explanation of rules and boundaries, the sharing of norms and values, control of the child, encouragement of independent behaviour and occasions for consultations with the children. Parents set requirements in the behaviour of their children and expect the child to listen to them. They are consistent and unambiguous in their requirements. At the same time, they are involved in their child and they listen respectfully to his opinion. Parents give guidance and they exercise an adequate amount of control. Increasingly, children have the opportunity of performing independently in accordance with their developmental niche. Parents who adopt this method of childrearing show a model of reasonableness, in which it is assumed that all in the social setting have reciprocal rights and obligations (De Wit et al., 2004; Junger et al., 2003, Loeber et al., 2001; Maccoby & Martin, 1983; Van der Ploeg, 2007a; Wenar & Kerig, 2000).

Enough daily routine in the child's life

Rink (1995) describes the importance of routine in daily life for a child's development; drawing attention to the 'Four-variable model' he developed. One of the four variables consists of the situation types, known as the St variable. This is described as a regularly reoccurring moment in the daily childrearing events that is recognised because it has a constant identity. These situation types together form the St variable, the daily programme or weekly structure in the childrearing situation. Examples of these situation types are: getting up and going to school, having a meal, coming home from school, going to bed. These recurring moments contribute to routine in daily life.

Slot and Spanjaard (2009) describe daily routine and thereby identify events, as they usually or probably occur. Daily routine creates liveable and organised living conditions. This is important for a child's development.

Children who have an irregular existence and who have no pattern of fixed moments, lack a certain security. Fixed moments for having a meal and regularity in the time a child goes to bed contribute to a daily structure and regularity in the life of the child. These create a safe and secure environment (Kohnstamm, 2002a).

Encouragement, stimulation and instruction to the child and the requirement of realistic demands

Bouwmeester et al. (1998) refer to children's learning of skills as a task for parents. Parents stimulate children in significant matters such as practical skills, language, toys, books, excursions and activities focussing on other people, such as learning to be obedient and to show respect. If children are to be successful at

school, it is essential that, particularly in the pre-school and early school period, they have plenty of opportunity to come into contact with the written word, first by being read to and then by being stimulated to read themselves. The same applies to the opportunity to play and thereby acquire motor, social and cognitive skills. As the children grow older it is even more important to stimulate independence and responsibility. If the parents' attitude stimulates development it is a protection against risk factors for development. Parents have the major task of creating an environment in which the child has the opportunity to meet new physical, cognitive and social challenges (Angenent, 1996; Baumrind, 1991; De Wit et al., 2004; Deković et al., 2001; Groenendaal & Van Yperen, 1994; Hetherington et al., 1999; Leseman & Van der Aalsvoort, 2000; Rispen, 1994; Van der Aalsvoort, 2000; Van der Aalsvoort & Stevens, 2000).

It is important that the child receives instruction in order to learn new skills. This is defined as providing the child with information with which he can develop new knowledge and skills. From the instructions given for tasks, the child acquires the information to master a new skill (Angenent, 1996; Bouwmeester et al., 1998; Rispen, 1994; Woldringh & Peeters, 1995). Through encouragement and stimulation demands are made of the child.

Rules, limits, instructions and insight into the arguments for these rules, limits and instructions

Children need rules and limits for their development and they need to understand the rules and limits adopted. An explanation makes the rules and limits understandable for the child. A higher concept, the transfer of values and norms, is an important aspect of child development (Angenent, 1996; De Wit et al., 2004; Deković et al., 2001; Delfos, 2004a; Groenendaal & Van Yperen, 1994; Kok, 2003; Van der Ploeg, 2007a).

Control of the child's behaviour

Parents have a role to play in terms of compliance with the limits and rules they have established. Bouwmeester et al. (1998) define the exercise of control as a parental task. This involves checking whether children are abiding by the rules, paying attention and behaving reasonably in the neighbourhood and at school. The absence of control over children or the lack of supervision damages the child's development. Control can be exercised in various ways. Research has shown that the monitoring behaviour of parents has a great influence on children's development. One method of monitoring behaviour has a more positive effect on development than another. In families in which strict and harsh punishment is administered there is a severe delay in the development of a child's social skills. The form of communication involving frequent yelling and threats results in risk factors in the relationship between parent and child. A rigid and coercive exercise of control has a negative influence on children's adaptability and development.

A favourable method of control for a child's development is a form of control characterised by democracy and monitoring. Research has shown that control that is flexible and disposed towards interpretation is positively correlated with competence and self-assurance in children. The purpose of control is to regulate the child's behaviour. This can be achieved by means of punishment but also for example by instructing, ordering, rewarding and ignoring. From other research, it transpires that parental supervision plays a significant role and that direct control is less effective in the adolescent period in comparison with earlier ages (Baumrind, 1991; De Wit et al., 2004; Deković et al., 2001; Groenendaal & Van Yperen, 1994; Hetherington & Clingempeel, 1992; Hetherington et al., 1999; Junger et al. 2003; Kok, 2003; Loeber et al., 2001; Patterson, 1996; Scholte & Doreleijers, 2001; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

Enough space for the child's own wishes and thoughts, enough freedom to experiment and to negotiate over what is important to the child

Effective upbringing of adolescents comprises a positive relationship and promoting the autonomy of the young person (Allen, Hauser, Bell & O'Connor, 1994). It is important for the development of his own identity that the child is given the freedom to discover his own identity. For example, he needs space for his own ideas and to have conflicts. A child's involvement in conflicts gives the child the opportunity to solve them in a satisfactory manner. This helps him to develop skills and to learn that the method of reasoning is of great influence. Children who have this opportunity have better chances to develop into an autonomous person (De Wit et al., 2004; Spiecker, 1990; Sturm, 1990; Van der Ploeg, 2007a).

No more responsibilities than the child is capable of handling (in this way the child learns the consequences of his behaviour within the limits which the parents or care-providers have set)

It is important that as children get older they learn to bear more responsibility. This strengthens their self-assurance and sense of responsibility. It is essential to give a child responsibilities that are appropriate to his level of development and to have realistic expectations of the child's autonomy (Deković et al., 2001; Van der Aalsvoort & Stevens, 2000).

A child becomes conscious of the consequences of his own behaviour as a result of the reactions of his environment, which reacts in a favourable or unfavourable way to his behaviour. Because the environment exercises adequate control over the child's behaviour, the child will become aware of the consequences of his behaviour. In a subsequent situation in which the child has to make a choice in behaviour, the previous experience will influence this choice. That is why it is important that the environment exercises adequate control by

reacting in a consistent manner to the child's behaviour (Woldringh & Peters, 1995).

2.4.5 *Adequate example by parents*

Definition: The parents or care-providers offer the child the opportunity to incorporate their behaviour, values and cultural norms that are important, now and in the future.

Social learning theory assumes that behaviour is learned on the basis of the behaviour of other important persons (models) from the environment. Both consciously and subconsciously, children adopt the behaviour of persons from their background. The child's environment has a model function, not only in learning skills, but also in adopting manner, standards of decency and communication with others (Slot & Spanjaard, 2009). Important persons in the environment who have an exemplary function for children are the child's caregivers (Wenar & Kerig, 2000). Positive exemplary behaviour, such as that shown by competent caregivers, forms a protective factor for a child's healthy development (Junger et al., 2003; Loeber et al., 2001; Masten & Coatsworth, 1998).

It is important for a child's development to stimulate a positive identification with the parents. One of the characteristics of the authoritative upbringing style is to stimulate a positive identification with the parents and to demand certain standards. Where an adequate identification is lacking, there is an increased chance of damaged development, increasing the chance of criminal behaviour at a later age (De Wit et al., 2004; Scholte & Doreleijers, 2001).

If parents are functioning adequately, children can identify with them in a positive manner. A good relationship between parent and child and a good relationship between the two parents both contribute to a positive identification between parents and child. The parents' wellbeing has a profound influence on how a parent interacts with his child and how the child views his parents. Parents, who have experienced war, have fled from a country and have had to leave behind family members (dead or alive), often have to grapple with great problems. These events have a negative effect on their wellbeing. They miss their family, friends and are beset by anxiety. Parents who are unemployed are often dissatisfied and have to contend with feelings of inferiority. Parents who have to contend with many problems do not present an adequate example for their child. The lack of positive identification between parents and child damages the child's development of identity.

Research has shown that certain family situations can create risk factors for children's development: situations in which there is a lot of conflict; parents quarrel frequently; there are criminal family members or contemporaries; alcohol and drug abuse takes place; antisocial standards and values are adhered to, and mental health problems do exist. Research has also shown that the children of drug and/or alcohol addicted parents have an increased chance of becoming

addicted. Children of depressed parents have a greater chance of psychosocial problems and children of parents with antisocial personality disorders and delinquent behaviour more frequently display antisocial behaviour patterns. One explanation for this is the exemplary function that the parents have for their children. If certain behaviours or ways of reacting are prevalent and accepted in a family, a child will adopt them as an example for his own behaviour and follow the same patterns (Angenent, 1996; Bouwmeester et al., 1998; Brown, Harris & Bifulco, 1986; Groenendaal & Van Yperen, 1994; Junger et al., 2003; Loeber et al., 2001; Scholte & Doreleijers, 2001; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

2.4.6 *Interest*

Definition: The parents or care-providers show interest in the activities and interests of the child and in his perception of the world.

Children need parents who are interested in their perception of the world so that they feel safe, loved and accepted. This enhances children's self-assurance (Bouwmeester et al., 1998; De Wit et al., 2004; Loeber et al., 2001; Rispen, 1994). Research by Sampson and Laub (1993) has shown that when there is inadequate supervision, insecurity, insensitivity, unstable structure and rejection by the parents, there is an increased risk of delinquent behaviour in the adolescent period.

The authoritative childrearing style is characterised by parents taking an interest. It is posited that when parents make time in which they pay attention to their child, it contributes to children's healthy development. Parents listen attentively to their child when he wants to tell them something. An open relationship between parents and child turns out to have a favourable effect on the child's development. Parents and child listen to each other's viewpoint and children have the scope to express their own opinions. One risk factor in the development of behaviour problems and delinquent behaviour is poor communication between parent and child (Bouwmeester et al., 1998; De Wit et al., 2004; Loeber et al., 2001; Rispen, 1994).

2.4.7 *Continuity in upbringing conditions, future perspective*

Definition: The parents or care-providers care for the child and bring the child up in a way that attachment bonds develop. Basic trust is to be continued by the availability of the parents or care-providers to the child. The child experiences a future perspective.

A recent research study by Van IJzendoorn (2008) indicates that developmental damage in children, caused by growing up in unsatisfactory living conditions can be limited or improved when children are growing up in an alternative childrearing situation in which there is continuity, stability and sensitivity in

upbringing and care. O'Connor (2002) indicates that a unique role is reserved for the constant caregiver of the child for the child's emotional development. If there is a lack of continuity and stability in upbringing and caregivers react in an insensitive way towards their children there will be serious developmental damage.

These research findings are in accordance with other research results. Most studies indicate that the child has a need for safety. A child needs a safe environment in order to engage in an attachment relationship with his caregivers and later to function adequately in society. In western society, parents have the responsibility of creating a safe childrearing situation to give the child the opportunity to grow up and develop. In most non-western societies, this parental responsibility is shared with the child's extended family and the community in which the child is living (Cicchetti & Lynch, 1995; Dozier, 2003; Junger et al., 2003; Loeber et al., 2001; Rutter et al., 1998; Sandler & Block, 1979; Schuengel, Slot & Bullens, 2003; Smith, 1995; Van IJzendoorn, 2008).

In his research on attachment, Bowlby (1969) showed that children who are safely attached to their parents or caregivers have fewer problems and psychopathology at a later age. Garbarino, Kostelney and Dubrow (1991) support the value of an attachment relationship with an adult in terms of children's resilience. Research into children who were growing up under the Pol Pot regime (Cambodia), shows that losing a parent was more significant than the actual trauma at that moment (Sack, Angell, Kinzie & Rath, 1986). On this basis, it can be concluded that attachment to a significant person during childhood is a universal need of children in order to develop adequately.

Continuity is a necessary condition for the creation of an attachment relationship between parent and child. The continuation of this attachment relationship is essential for children's development. Sustained availability of the person who caters for the child's needs in terms of care and attention is a condition for the creation of a good attachment relationship. Unsafe attachment occurs when, for example, there are many changes in caregivers or when the child is separated from his caregivers. Unsafe bonding increases the chance of behavioural problems and identity problems. In addition to problems of changing of, and separating from, caregivers, there are other risk factors affecting the child's bonding development: inconsistent availability of a parent, ignoring the feelings of the child and consistently failing to react to them (De Haas, 1990; Dozier, 2003; Junger et al., 2003; Kok, 2003; Leseman & Van der Aalsvoort, 2000; Loeber et al., 2001; Schuengel et al., 2003; Woldringh & Peeters, 1995).

Increasingly, there is attention for the rights of the child to continuity and stability. In judgements from the European Court of Justice, one can see a tendency towards trying to place a child back with his biological parents in cases in which parents and child do not live together (Bruning, 2002). For children brought up in a foster family, there is more importance attached to continuity and stability in the life of the child than in upbringing by the biological parents.

Placing a child back with his parents is no longer viewed from the angle of whether parents have the means to bring up their child, but more attention is paid to what is good for the child's development (Strijker, 2009). As a counter argument against placing a child back with his parents, continuity in the child's environment is often brought forward. Stability and continuity are necessary for the child's optimal development (Delfos, 2004c).

2.4.8 *Safe wider physical environment*

Definition: The neighbourhood the child grows up in is safe, as well as the society the child lives in. Criminality, (civil) wars, natural disasters, infectious diseases etc. do not threaten the development of the child.

Sampson and Laub (1993) indicate that social and economic factors influence family life. These factors further influence the development of social contact with other children. Characteristics of the neighbourhood with atmosphere and community spirit as against isolation and deprivation determine the (mental) health of the residents, including children (Leventhal & Brooks-Gunn, 2000; Sampson, Raudenbush & Earls, 1997). Unfavourable social and economic factors, such as poverty and poor living conditions contribute to criminality and behaviour disorders in children and adolescents. Threats to a safe physical environment can arise from a life of poverty. Growing up in (life) threatening circumstances, for example war or natural disasters, can also be a risk factor for children's development. In wartime, health can be seriously endangered not only by wounds or contact with chemical or nuclear substances, but also by the continuous, stressful threat that people have to live with all the time, causing stagnation or damage to development (De Wit et al., 2004; Leseman & Van der Aalsvoort, 2000; Van der Aalsvoort, 2000).

2.4.9 *Respect*

Definition: The needs, wishes, feelings and desires of the child are taken seriously by the child's environment and the society the child lives in. There is no discrimination because of background, race or religion.

It is very important for children to be a part of the society in which they live. In the adolescent period, children are more sensitive to the opinion of the majority culture about themselves and about the ethnic group to which they belong (Spencer & Dornbusch, 1990). This heightened sensitivity easily causes feelings of incompetence and marginalisation. Without the support of family, friends and other important adults being available, this might lead to inappropriate coping behaviour (Dozier, 2003; Hess, 1995; Junger et al., 2003).

Respect for the character of the child by both the community and the family in which he is growing up constitutes a protective factor for developmental

problems. Research has shown that a relationship between parent and child based on mutual respect can be considered to be optimal. Conversely, it transpires that rejection of the child by the home environment, the presence of hostility and aggression in the parent-child relationship and the relationship between parents and inadequate reactions to the feelings of the child constitute risk factors for children's development (Angenent, 1996; De Wit et al., 2004; Dozier, 2003; Groenendaal & Van Yperen, 1994; Junger et al., 2003; Kok, 2003; Leseman & Van der Aalsvoort, 2000; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

Respecting the feelings of children has been shown to be of essential importance. This has transpired from research focusing on the relationship between parent and child. The way in which the environment reacts to the child is crucial in the development of a safe bonding relationship, with the optimal basis being when parents adopt a responsive, cherishing manner (Bouwmeester et al., 1998; Delfos, 2004b; Dozier, 2003; Groenendaal & Van Yperen, 1994; Van der Aalsvoort & Stevens, 2000; Van der Ploeg, 2007a).

A good relationship between parents and child is a protective factor for the child's development. In a good relationship, there is always mutual respect. When parents do not respect themselves, for example because they feel rejected by the community or their work environment and sometimes also feel hurt by their children, they often have low self-esteem. Parental self-esteem is a significant factor in preventing child abuse. With parents who have low self-esteem and do not feel respected, there is an increased chance that they will vent these negative feelings on their children. The 'Stressful Life Events Scale' also reflects this possible effect. Parents with a positive attitude to life exert a positive influence on the development of their child. When parents are respected by their environment it increases their self-esteem. As a result, they have a more positive attitude to life, which in turn has an effect on the child's development (Baartman, 1990; Van der Ploeg, 2007a).

2.4.10 *Social network*

Definition: The child and his family have various sources of support in their environment upon which they can depend.

Social contact between young people acts as a protective factor (Cicchetti & Lynch, 1995). If family support for children is inadequate, it can be compensated by positive contacts with the peer group (Hetherington, 1993). Protective family factors comprise the social support sources of the wider family network (neighbours, friends, family). And outside the family, social organisations such as church, sports club and school form protective factors (Junger et al., 2003; Loeber et al., 2001; Masten & Coatsworth, 1998).

Van der Ploeg (2007a) defines support as the extent to which a child is aware of receiving support in emotional, cognitive, social and material areas via his

personal and formal relationships. These social relationships can be viewed in terms of the nature of the interactions:

- the content of the interactions: the meaning that one attributes to the relationship;
- the path of the interaction: the degree of reciprocity in the relationships;
- the duration of the interaction: temporary or constant availability of the network;
- the intensity of the interaction: the depth of the relationship;
- the frequency of the interaction: the quantity of the contacts;
- the importance of the interactions.

In practical terms, support can comprise: encouraging the other, helping the other, showing affection towards the other, providing information and offering practical support. People often feel supported from the mere fact that there are persons available, should they need them (Baartman, 1990; Bouwmeester et al., 1998; De Wit et al., 2004; Deković et al., 2001; Groenendaal & Van Yperen, 1994; Junger et al., 2003; Leseman & Van der Aalsvoort, 2000; Rispen, 1994; Woldringh & Peeters, 1995).

2.4.11 Education

Definition: The child receives a suitable education and has the opportunity to develop his personality and talents (e.g. sport or music).

In the last fifty years, the number of years children and adolescents who stay on at school has increased. One consequence of this growth is that obtaining a diploma has become the norm. There is an increasing tendency to view the considerable number of children who do not conclude their school years by obtaining a diploma as abnormal (Smith, 1995). Research has confirmed that failing to complete secondary school corresponds with a higher risk of psychosocial problems, antisocial behaviour, behavioural disorders and a poorer career perspective (Maughan, Pickles, Rutter & Yule, 1996; Rutter & Giller, 1983).

Education is of huge importance for the development of a child. At school, the child's development is stimulated in many different areas. At the same time, the chance of social isolation is reduced and the child's self-confidence is boosted. At school, the child meets other children with whom he can play and make friends. The child can also have positive experiences at school by doing an assignment and being complimented for it. However, the level of education must be suitable for the child's development. Education that is inappropriate to the child's level can often cause developmental disorder. Parents and school have the responsibility of providing suitable education for the child. Parents offer support in doing homework and they are responsible for regular school attendance.

In addition to school, there are leisure activities that stimulate the child's development, such as sport, music lessons, reading or playing outside. By

climbing trees or rollerblading, a child learns to recognise his limits and those of others. Playing outside stimulates motor and social development. Children who do not play outside often enough are delayed in their development (Baartman, 1990; Bouwmeester et al., 1998; De Wit et al., 2004; Delfos, 2004b; Scholte & Doreleijers, 2001; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

2.4.12 *Contact with peers*

Definition: The child has opportunities to have contacts with other children in various situations suitable to his perception of the world and developmental age.

Friendship enhances the self-image, stimulates self-evaluation and offers emotional security in new or threatening situations. Friendship provides intimacy and affection, instrumental support, companionship and stimulation. The lack of friendships with peer groups increases the chance of psychosocial problems (Van der Ploeg, 2007b). Children without friendships might develop a negative social identity ('what do other people think of me?'). Playing in the school playground provides many opportunities for contact with other children. It is there primarily that social identity is given shape. The formation of a positive identity is of decisive importance for going through adolescence without (serious) problems.

As children grow older, peer groups have an increasingly important place in their lives. Adolescents conform to the peer groups around them. Friendships in adolescence are of a more intimate nature than those in their earlier childhood. There is more exchange of mutual thoughts and feelings and shared activities. Positive contact with contemporaries in puberty is very important for the following reasons: offering support, receiving positive reactions, learning social skills, experimenting with social roles, standards and values, and providing a perspective on integration into the society of adults. Children learn to adopt a more independent attitude and venture more often into unfamiliar situations into which they would not have gone alone. A social network that is interested in them stimulates children's self-control.

The time that an adolescent spends with his peer group should be in balance with the time he spends with his parents. If the balance veers towards spending too much time with his peer group there is an increased chance of delinquency. It is known that youngsters do not provide upbringing for each other as parents do for their children. Both influences are favourable for the child's development. An appropriate division of time is essential (Angenent, 1995; Camarena, Sarigiani & Petersen, 1990; Conger & Galambos, 1997; De Wit et al., 2004; Junger et al., 2003; Junger, Wittebrood & Timman, 2001; Scholte & Doreleijers, 2001; Wenar & Kerig, 2000; Woldringh & Peeters, 1995).

2.4.13 *Adequate examples in society*

Definition: The child is in contact with children and adults who are examples for current and future behaviour and who mediate the adaptation of important societal

values and norms.

People in the society in which the child is growing up provide an example for the child's behaviour. Consciously or subconsciously, children copy behaviour that they see in their environment. If children grow up in an environment which provides a positive example of behaviour, this has a protective effect against the development of behavioural problems (Junger et al., 2003; Loeber et al., 2001).

Albert Bandura's social learning theory emphasises the role of observation and imitation (Bandura, 1977). In contemporary society, young persons' involvement with the media has a large role to play. Youngsters compare themselves and their expectations with persons they see on television. They copy acts and make judgements about the TV personalities they see (Baker, 2001). Research has also shown that media involvement has increased children's sensitivity to, and involvement in, world events such as war, terrorism and earthquakes (Comer, Furr, Beidas, Babyar & Kendall, 2008).

2.4.14 Stability in life circumstances, future perspective

<p>Definition: The environment in which the child is brought up does not change suddenly and unexpectedly. There is continuity in life circumstances. Significant changes are prepared for and made comprehensible for the child. Persons with whom the child can identify and sources of support are constantly available to the child, as well as the possibility of developing relationships by means of a common language. Society offers the child opportunities and a future perspective.</p>

Tension and disturbances in life, such as changing school, parting from friends, deterioration in economic circumstances, growing up in life-threatening circumstances and changes in the family unit are a threat to a child's development. In the course of these changes, the child must get used to the new setting, he has to adapt and learn the new pattern of usage (Arnold, 1990; Baartman, 1990; Cicchetti & Lynch, 1995; Dozier, 2003; Junger et al., 2003; Leseman & Van der Aalsvoort, 2000; Loeber et al., 2001; Rutter et al., 1998; Sandler & Block, 1979; Scholte & Doreleijers, 2001; Schuengel et al., 2003; Van der Aalsvoort, 2000; Van IJendoorn, 2008; Van der Ploeg, 2007a; Woldringh & Peeters, 1995).

Simmons and Blyth (1987) concluded that changing schools, taking place at the same time as other challenges or stressful events, such as moving to a new area, changes in family composition and the start of puberty, represent great risks for psychosocial development. An early change of school without the support of the circle of friends demands more of adolescents (Stattin & Magnusson, 1990).

With a change of environments, the fact that there may be a change in language also plays a role. Communication is important in the development of

one's own identity. Through communication, a child can establish relationships with others and see his reflection in others. The child can also build up a good relationship with his social environment, so that he feels recognised and acknowledged by others who are important to him. It is essential for the child's development that there is stability between the language spoken by the environment and the language the child has mastered (Benthem, 2004).

2.5 | Crucial pedagogical environmental conditions and development phases

In the course of their lives, children go through various developmental stages: cognitive, motor and socio-emotional development. There is a basic development shaping the biological maturation of children from birth to adulthood (Verhulst, 2008). In the course of this developmental process, continual adaptation is demanded of the child. Weterings and Van den Bergh (2005) distinguish seven *general skills* that the child will acquire during the period of becoming an adult. The child needs to master these skills in order to function adequately as an adult in society. The following skills are cited: developing attachment ability, controlling passions and impulses, internalizing values and standards (formation of conscience), development of one's own abilities, development of the ability to solve problems, bearing responsibility for oneself and for others and finally the ability to form and maintain personal and work relationships.

The above skills are in accordance with the mentality of *developmental stages* and *developmental tasks*. In this respect, it is assumed that the child is faced with a number of developmental tasks during his development and that these tasks are accomplished in specific developmental stages that can be distinguished in the child's development (De Wit et al., 2004). Each developmental stage is linked to age limits and in addition to the developmental tasks, upbringing tasks are also linked to the various stages. The use of developmental stages and developmental tasks is widely supported. Erikson (1950), presented an eight-stage theory of development in the life of men. Piaget (see Beilin, 1992) described stages in cognitive development and in his developmental model Kohlberg (1969) described stages in moral development. However, the empirical underpinning of the developmental stages turned out to be inadequate. In contemporary developmental psychology, children's development is seen as a gradual process in which knowledge and skills are continually expanded (Onderwijsraad [Dutch Advisory Council for Education], 2008). In any case, the above-mentioned theories are of great importance and have had a profound influence on current theory of developmental psychology and pedagogy.

The age ranges 0 to 6, 6 to 12 and 12 to 18 years of age are frequently used in classification of developmental phases. The starting point for the developmental phase 0 to 6 years of age is the emergence of bonding behaviour and the dependent position of the child in his environment (Van IJendoorn, 2008). In the

developmental phase 6 to 12 years of age, this starting point shifts to the start of the primary school period in which learning is the main pivot, with an increase of independence and an increase in interaction with the peer groups. In the latest phase (12 - 18 years of age), the main factors are the development of identity and a further increase in interaction with the peer group (including embarking on more intimate relationships). Furthermore, increased independence and the underpinning of future direction are major themes (Slot & Spanjaard, 2009).

How do the crucial environmental factors relate to these developmental phases and are these factors equally important for each developmental phase? In order to answer these questions, we will first describe children's developmental phases. Subsequently, we will indicate per developmental phase which upbringing tasks in particular are linked to the developmental phases.

2.5.1 The period 0 to 6 years of age

Skills and developmental tasks

The first five years of a child's life are the basis for further development. It is during that period that the foundation for cognitive and social development is laid. Children show attachment behaviour, such as crying, making eye contact, clinging and smiling. They discover and identify their environment and at the end of the developmental phase they are in a position to adopt a more independent attitude and to see things from another's point of view.

In this developmental stage, there is a great change in physical development. The child increases in height and weight, there is considerable growth and development of the brain cells and various milestones in motor development take place. The baby learns to sit, to stand and to reach out and grasp for objects. At a later stage, the child learns to run, to throw and to catch balls and he develops a preference for one hand. In the field of cognitive development, the child learns to make use of symbols and representation. At the age of two or three years, the child develops the ability to imagine something that was first there and then no longer present. He can retain the image of a person who is not in his immediate vicinity and he also has the ability to see another person's perspective. His language develops from babbling and one-word sentences to a more extensive vocabulary. Sentence length increases, as does the use of grammar. Children in the toddler and pre-school period view the world in a more egocentric manner and memory, the attention span and abstract thought develop.

In the sphere of socio-emotional development, a child's temperament is visible. Babies' emotions are visible in their facial expressions and the child learns to interpret other people's facial expressions. Children show bonding behaviour and develop empathy. Children in the toddler and pre-school period develop a self-image in which they frequently overestimate themselves. They develop

greater autonomy and individuation increases. This increase is related to the development of the 'self'. Orientation towards other children begins. They perceive the differences between the sexes. Social skills are practised and in games they become more constructive and more co-operative. The child's conscience is moulded through rules, reward and punishment (Belsky, 2007; Cicchetti, Toth & Bush, 1988; Feldman, 2004; Kohnstamm, 2002a; Verhulst, 2008).

Upbringing tasks

From a developmental psychological point of view, the ages 0 to 6 years are the most crucial period in the life of a child and an adult. In the first phase of life, bonding between carer and child comes into the picture. If caregivers provide a secure basis, the child has the possibility of developing a safe bonding pattern and engaging in an attachment relationship (Bowlby, 1969). To enable secure bonding, it is important that caregivers respond adequately to their child's needs and signals. From this secure base, the child embarks on an exploration of his environment. However, as soon as the attachment figure disappears from the child's line of vision, he often begins to cry. Nevertheless, as soon as he sees his caregiver again, the child is easily comforted (Ainsworth et al., 1978).

A baby who has experienced a secure and sensitive upbringing gains a feeling of security in relation to the caregiver. The child develops a mental model in which the caregiver is seen as someone who in times of anxiety and tension can soon be relied upon. At the same time, the child develops a picture of himself as someone who is competent to manage his environment and to acquire the attention he needs. A healthy history of attachment ensures the development of self-assurance and a feeling of self-worth in the child, as he has trust in another and because of the continued availability of the attachment person he has a feeling of security in his life. Attachment is a basic condition for an adequate course of development. Insecure attachment, for example as a result of ill-treatment, neglect or frequent changes of caregivers, can lead to disruption of the formation of personality, particularly in embarking on relationships and in development of identity (Thoomes-Vreugdenhil, 1999).

It is important that in caring for the child, caregivers build up flexible routines in order to increase predictability and that they respond sensitively to the child's signals. As the child gets older, the task of the caregivers will also focus on challenging the child's cognition by means of activities and games, establishing boundaries, giving explanations and showing examples of behaviour. To an increasing degree, the caregiver will give the child more space for independence (Groenendaal, Gerrits & Rispen, 1996; Van IJzendoorn, 2008).

2.5.2 The period 6 to 12 years of age

Skills and developmental tasks

Unlike the previous developmental phase, the primary school age is characterised by learning through instruction. During this period, children learn to do

arithmetic, to write and to read and subjects with contents, such as history, geography and biology shape their general development. They gain more insight into society, gaining an increased knowledge of culture, norms and values. In order to master these competences, children learn to be ready to adopt tasks. They learn to work in a more focussed and concentrated manner. During this period, the role of the peer group becomes more important and children practice social and communicative skills in these contacts. This is essential for socio-emotional development (Groenendaal et al., 1996; Kohnstamm, 2002b).

Physical development continues, but declines in speed compared with the previous developmental stage. The muscles develop and gross and fine motor abilities continue to develop further. The child not only learns to cycle, swim, skate, ball play, but also to write and to type.

Children learn to think more logically and to apply this skill in solving problems. They also learn to approach these problems from different angles. They learn that a change in shape does not always have an influence on the amount (conformation) and they learn that objects can go through various phases without changing (transformation). The child's memory becomes stronger and he learns to use it more effectively. The metamemory is developing.

In this phase of development, the role of the peer group increases in importance. Social comparison is used in order to determine someone's identity. There are differences in friendships between boys and girls. Boys go together primarily in groups while girls more often have friendships in pairs. Social problems are often approached out of respect for the other person, yet at the same time they try to comply with what society demands of them. Children's self-esteem increases and becomes more realistic. There is also a more realistic image of one's own possibilities (Belsky, 2007; Feldman, 2004; Kohnstamm, 2002b; Verhulst, 2008).

Slot and Spanjaard (2009) describe seven developmental *tasks* for children in the primary school period:

- Taking others into account: forming judgements and planning actions, based partly on the interest of others.
- Independence: increased independence with respect to parents.
- Education: participating in primary school education in order to acquire those skills and to gain knowledge, which is necessary in order to function adequately in society.
- Friendships: making and maintaining (friendly) contacts with peer groups.
- Responsibilities at home: taking partial responsibilities in the house and responsibilities for younger brothers and sisters.
- Use of basic infrastructures: independently making use of the basic infrastructure facilities in society, such as public transport, money system, means of communication, leisure facilities.

- Health and safety: being able to make choices relating to their own health and safety.

Upbringing tasks

In this stage of development, the upbringing role of the parents is essential. The physical proximity of parents declines. Children go to school, which results in an increase in independence. Parents give their children guidelines, but the child himself determines how he will behave at school. Parents still have great influence on the life of their child. They provide the necessary care, advice and direction. The presence and emotional availability of parents is necessary to create a safe environment for the child. The child will only be able to meet the challenges facing him from that safe base (Furman & Buhrmester, 1992).

The role of parents is formed to support the child in the developmental tasks that are appropriate to this stage of development. For example, parents are responsible to ensure that the child receives education and comes into contact with his peer groups. Encouraging and guiding contacts with peer groups is a task of upbringing. Acceptance by the peer group is enhanced when the child is in a family situation in which warmth, understanding and reciprocity play an important role in the relationships. In addition, the parent has the task of giving the child more insight into the world, for example by paying attention to the child's questions (and providing an explanation) and by anticipating them. The parent also has the duty of giving guidance and providing structure in such a way that the child can increasingly develop his capacities. Parents provide increasing scope for the child to take responsibility for making his own choices (Belsky, 2007; Groenendaal et al., 1996).

2.5.3 The period 12 to 18 years of age

Skills and developmental tasks

Distinguishing features of adolescents' physical development are the growth spurt and primary and secondary sexual characteristics. The growth spurt starts off earlier in girls than in boys and often begins in the previous phase of development.

In the cognitive field, the youngster develops the ability to think abstractly. In his thinking, there is more scope for relative, rather than absolute, thought. Metacognition is developing. Youngsters are capable of thinking hypothetically and can devote their attention to various subjects at the same time. Arithmetical, spatial and verbal skills become stronger. Self-awareness increases considerably, including the ability to review one's own behaviour. Youngsters see themselves as the pivotal figure and often have the feeling that everyone is looking at them (Belsky, 2007; Feldman, 2004).

Youngsters in the age of 12 to 18 years try to find their own way in life and to give shape to their own identity. The development of identity is of crucial importance. Self-image becomes more detailed and the perception of others is

incorporated in it. The questions: 'Who am I? Where do I come from? Who is my family?' will constitute a significant part of a youngster's interests. For youngsters who are not growing up in the home of their biological parents this is even stronger. The development of identity goes hand in hand with changes in relationships. Contacts with the peer group increase considerably in frequency and intensity, while at the same time there is a change in the relationship with parents: from a hierarchical to a more equally-matched relationship, in which parents and youngsters treat each other more as equals. The search for greater autonomy can lead to conflicts with parents. In the contacts with their peer group, social comparison plays an important role, as does sexuality. Youngsters go out at night, fall in love and have a boyfriend/girlfriend (Belsky, 2007; De Wit et al., 2004; Feldman, 2004; Noom, Deković & Meeus, 1996; Verhulst, 2008).

Slot and Spanjaard (2009) and De Wit et al. (2004) distinguish several *developmental tasks* for adolescents. A broad distinction can be made between personal and social developmental tasks in adolescence. Personal developmental tasks refer to the realisation of individual properties or characteristics. The development of autonomy consists of learning skills that are necessary to function independently. Social developmental tasks consist of learning to interact with peer groups and adults, and embarking on friendships and intimate relationships (Noom et al., 1996). The following eight tasks have been distinguished:

- Position with respect to parents: becoming less dependent on the parents and determining their own place within the changed relationships in the immediate and extended family.
- Education or work: acquiring knowledge and skills in order to be able to practice a profession and make a choice with respect to work.
- Leisure time: undertaking pleasant activities in one's free time and spending the time usefully in which there are no obligations.
- Creating and maintaining their own living situation: seeking or creating a place in which you can live comfortably and learning to get along with house mates.
- Authority and official bodies: accepting that there are authorities and persons placed above you, defending your own interest within the rules and regulations in force.
- Health and outward appearance: ensuring a good physical condition, an appearance with which one is comfortable, eating healthily and avoiding excessive risk-taking.
- Social contacts and friendships: making and maintaining contacts, having a perception of what the advantages are of contacts with others, being open for friendship, being trusted and giving trust, mutual acceptance.

- Intimacy and sexuality: discovering what possibilities and wishes are in intimate and sexual relationships.

Upbringing tasks

The parents' role changes from that of the previous phases. The influence of the peer group is greater and the role of parents becomes more limited. As the peer group role increases, relationships with family members take on a new complexion. Youngsters strive for a greater degree of autonomy, independence and control. The caregivers' role grows accordingly. They offer their children more scope to exercise control over their own lives and give them more independence. In the early stages of adolescence, the parent-child relationship is often asymmetrical. At the end of this period, this relationship is more in balance and of a more equal nature. The youngster is given more responsibility. It is the parents' task to give the youngster more independence in order to create the possibility to experiment with the various developmental tasks. In addition, the adolescent should have the opportunity to explore his world and assistance in setting his own boundaries and maintaining them (Collins, Gleason & Sesma, 1997; Noom et al., 1996; Smetana, 1995).

During adolescence, there is a greater demand on parents for emotional support. In a short period, major physical, mental and social changes take place. These changes will mean that they will need the emotional support of their parents. In their development towards adulthood, adolescents will look around them for examples to hold onto in making choices. Parents play a role when adolescents make decision about what they want or do not want to become (Collins et al., 1997; Montemayor, Adams & Gulotta, 1994; Noom et al., 1996; Smetana, 1995).

2.6 | The BIC-model

The BIC-model (see Figure 2.6 below) is based on the social-ecological model (Bronfenbrenner, 1979), the process model (Belsky & Vondra, 1989) and the multiple risk model (Van der Ploeg, 2007a). Children's development is influenced by the environmental factors, which are to be found both in the family and in society. The international literature study into crucial pedagogical environmental conditions for children's development, in which the environmental conditions of Heiner and Bartels (1989) are taken as a starting point, resulted in a list of fourteen crucial pedagogical environmental conditions. These conditions indicate what is needed for the child to have optimal opportunities of development and optimal protection. If these conditions are adequate over a reasonably long period, one can expect a positive effect on the child's development. Conversely, inadequate quality of these pedagogical environmental conditions increases the chance of disturbed development and problem behaviour. The ultimate

personality of the child is determined by both his inherent factors and the opportunities to develop provided by his environment. Developmental risks in individual cases depend on the vulnerability of the individual child (Caprara & Rutter, 1995).

The BIC-model makes a distinction between the pedagogical environmental conditions, which are present in the family and those in society. In the family, there is also a distinction between pedagogical environmental conditions concerning the physical wellbeing of the child and those impacting on the child's pedagogical situation. The quality of the pedagogical environmental conditions provides a reflection of the current circumstances in which the child is growing up, apart from continuity in upbringing conditions, and stability in life circumstances. These give a picture of the pedagogical environmental conditions in the present, the past and the future. Continuity in upbringing conditions includes the pedagogical environmental conditions relating to the family. Stability in life circumstances is specific to the pedagogical environmental conditions present in society. All pedagogical environmental conditions are placed in the same 'flat model', although there is a difference in the influence on the child's development on whether these pedagogical environmental conditions are long-term or short-term. The pedagogical environmental conditions 'continuity in upbringing conditions' and 'stability in life circumstances' are very basic pedagogical environmental conditions in the BIC-model. The absence of these pedagogical environmental conditions represents a serious threat to children's development and in the long term presumably leads to irrevocable developmental damage.

There is a bi-directional relationship between the pedagogical environmental conditions. If there is an inadequate pedagogical environmental condition in the situation in which the child is growing up, it can damage the quality of other pedagogical environmental conditions. For instance, if a caregiver becomes depressed, the pedagogical environmental condition affective atmosphere will be damaged and possibly at a later stage the quality of the supportive, flexible childrearing structure. In this example, the caregiver is no longer able to establish a daily routine for himself nor to direct the child's behaviour.

A relationship and reciprocal influence like this between various risk factors is also established between the various systems from the social-ecological model (Bronfenbrenner, 1979) and between the various risk factors in the multiple risk model (Van der Ploeg, 2007a). The BIC-model provides a framework for weighing up and classifying contents within which the various pedagogical environmental conditions are closely linked.

2.6.1 The BIC-model and the Rights of the Child

A major rationale for the development of the BIC-model was the wish to provide a framework to weigh up the interests of children in juridical decision-making

procedures, in which children are involved. The UN Convention on the Rights of the Child (CRC) affords legal access in this respect.

On 20 November 1989, the General Assembly of the United Nations adopted the CRC. The Netherlands ratified this Convention on 8 March 1995. Nearly all the Member States of the UN ratified the Convention and recognised it as a legally binding instrument. The CRC is the most universal human rights Convention and combines all children's rights in one convention. This is one of the major reasons why the Convention has added value with regard to other already existing regulations. The Convention covers not only civil and political rights, but also economic, social and cultural rights. Moreover, the rights are specifically tailored to children.

The goal of the CRC, containing 54 articles, is to improve the position of children in society. A well-known classification of the rights in the Convention is the division into three sorts of rights: provisions, protection and participation. *Provision* indicates that children have the right to good, free primary education (Art. 28-29 CRC), good and accessible health care (Art. 24 CRC), shelter when they are unable to live at home, and places to play. *Protection* denotes children's right to protection against maltreatment (Art. 19 CRC), exploitation, neglect (Art. 39 CRC), child labour (Art. 32 CRC), violence of war, trafficking and slavery. *Participation* refers to children's right to be part of society. They should be free to obtain information (Art. 17 CRC), to have freedom of expression (Art. 13 CRC) and to say what they think in matters that affect them (Art. 12 CRC).

There are four basic principles underlying the Convention that are often considered jointly and form the key provisions of the Convention.

1. No discrimination (Art. 2 CRC). All rights apply to all children.
2. Best interests of the child (Art. 3(1)CRC). In all decisions made by the government, authorities and others, the best interests of the child should be a first consideration.
3. Right to life and development (Art. 6 CRC). The government should make every effort to ensure that children survive as much as possible and to stimulate children's development.
4. Respect for the views of the child (Art. 12 CRC). Children should be seen and heard. They should be able to say what they think and their opinions should be taken into account in decisions relating to them.

The CRC determines in Article 3(1) that '*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*'. Without a doubt, this specific article of the CRC is the most significant concerning all decision-making procedures concerning children and is named one of the most general starting points. It is a key article and is seen as an umbrella provision with respect to the remaining provisions in the Convention (Freeman, 2007). The best interests of the child should be the first consideration in decisions concerning children.

Article 6, paragraphs 1 and 2 stipulates that *‘States Parties recognize that every child has the inherent right to life and shall ensure to the maximum extent possible the survival and development of the child’*. Children’s right to life and development is the most fundamental of all children’s legal rights. Absence of respect for and protection of, life and development overshadows the remaining provisions in the CRC and makes them meaningless (Novak, 2005).

The BIC-model provides further detail for the concept of ‘the best interests of the child’ (Art. 3 CRC). ‘The best interest of the child’ are interpreted as interest in his development (Art. 6 CRC). In order to comply with the CRC, this means that in decision-making procedures regarding the upbringing situation of children, a choice must be made for the environment in which the child has the best opportunities of development. If the quality of the childrearing situation is inadequate, there is a violation of Article 3(1) and of Article 6(2). In addition, it is possible that other Convention provisions are being violated. For each pedagogical environmental condition, it can be established which provisions, in addition to Articles 3 and 6, are violated if the pedagogical environmental conditions are absent. These provisions are recorded in the BIC-model, and in *Appendix 1*, there is a comprehensive justification for the relationship between the pedagogical environmental conditions and the specific provisions. In order to establish the quality of the childrearing environment, both for the present and for the future, it is necessary to listen to the child’s opinion and to take it into account in making a decision (Art. 12). In decision-making procedures, children should be treated as equals (Art. 2).

Family: current situation

Physical wellbeing

1. Adequate physical care

Adequate physical care refers to the care for the child’s health and physical well-being by parents or care-providers. They offer the child a place to live, clothing to wear, enough food to eat and (some) personal belongings. There is a family income to provide for all this. In addition, the parents or care- providers are free of worries about providing for the child’s physical well-being (Cicchetti & Lynch, 1995; Drake & Pandey, 1996; Junger et al., 2003; Loeber et al., 2001; Smith, 1995).

Art. 19, 20, 24, 26, 27, 32, 33, 34, 37, 39 CRC

2. Safe direct physical environment

A safe direct physical environment offers the child physical protection. This implies the absence of physical danger in the house or neighbourhood in which the child lives. There are no toxics or other threats in the house or neighbourhood. The child is not threatened by abuse of any kind (Cicchetti & Lynch, 1995; Loeber et al., 2001; Rutter et al., 1998).

Art. 19, 20, 23, 24, 26, 27, 32, 33, 34, 37, 39 CRC

Care and upbringing**3. *Affective atmosphere***

An affective atmosphere implies that the parents or care-providers of the child offer the child emotional protection, support and understanding. There are bonds of attachment between the parent(s) or care-giver(s) and the child. There is a relationship of mutual affection (Bowlby, 1969; Brown et al., 1986; Cicchetti & Lynch, 1995; Rutter, 1990; Smith, 1995; Van IJzendoorn, 2008; Wenar & Kerig, 2000).

Art. 9, 10, 19, 20, 27, 37 CRC

4. *Supportive, flexible childrearing structure*

A supportive, flexible childrearing structure encompasses several aspects like:

- enough daily routine in the child's life;
- encouragement, stimulation and instruction to the child and the requirement of realistic demands;
- rules, limits, instructions and insight into the arguments for these rules, limits and instructions;
- control of the child's behaviour;
- enough space for the child's own wishes and thoughts, enough freedom to experiment and to negotiate over what is important to the child;
- no more responsibilities than the child is capable of handling (in this way the child learns the consequences of his behaviour within the limits which the parents or care-providers have set) (Junger et al., 2003; Loeber et al., 2001; Maccoby & Martin, 1983; Wenar & Kerig, 2000).

Art. 12, 13, 14, 16, 18, 27, 37 CRC

5. *Adequate example by parents*

The parents or care-providers offer the child the opportunity to incorporate their behaviour, values and cultural norms that are important, now and in the future (Junger et al., 2003; Loeber et al., 2001; Masten & Coatsworth, 1998; Wenar & Kerig, 2000).

Art. 9, 18, 19, 32, 33, 34, 37 CRC

6. *Interest*

The parents or care-providers show interest in the activities and interests of the child and in his perception of the world (Bouwmeester et al., 1998; De Wit et al., 2004; Loeber et al., 2001; Rispen, 1994; Sampson & Laub, 1993).

Art. 12, 13, 14, 17, 27, 31 CRC

Family: future and past**7. *Continuity in upbringing conditions, future perspective***

The parents or care-providers care for the child and bring the child up in a way that attachment bonds develop. Basic trust is to be continued by the availability of the parents or care-providers to the child. The child experiences a future perspective (Bowlby, 1969; Cicchetti & Lynch, 1995; Dozier, 2003; Junger et al., 2003; Loeber et al., 2001; Smith, 1995; Rutter et al., 1998; Sandler & Block, 1979; Schuengel et al., 2003; Van IJzendoorn, 2008).

Art. 7, 8, 9, 10, 11, 12, 18, 20, 27 CRC

Society: current situation**8. *Safe wider physical environment***

The neighbourhood the child grows up in is safe, as well as the society the child

lives in. Criminality, (civil) wars, natural disasters, infectious diseases etc. do not threaten the development of the child (De Wit et al., 2004; Leseman & Van der Aalsvoort, 2000; Sampson & Laub, 1993; Van der Aalsvoort & Stevens, 2000).

Art. 11, 23, 24, 27, 32, 33, 34, 35, 36, 37, 38, 39 CRC

9. Respect

The needs, wishes, feelings and desires of the child are taken seriously by the child's environment and the society the child lives in. There is no discrimination because of background, race or religion (Dozier, 2003; Hess, 1995; Junger et al., 2003; Spencer & Dornbusch, 1990).

Art. 2, 5, 8, 12, 13, 14, 15, 16, 19, 23, 30, 37 CRC

10. Social network

The child and his family have various sources of support in their environment upon which they can depend (Cicchetti & Lynch, 1995; Hetherington, 1993; Junger et al., 2003; Loeber et al., 2001; Masten & Coatsworth, 1998).

Art. 20, 37, 31 CRC

11. Education

The child receives a suitable education and has the opportunity to develop his personality and talents (e.g. sport or music) (Maughan et al., 1996; Rutter & Giller, 1983; Smith, 1995).

Art. 17, 28, 29, 31 CRC

12. Contact with peers

The child has opportunities to have contacts with other children in various situations suitable to his perception of the world and developmental age (Camarena et al., 1990; Conger & Galambos, 1997; Junger et al., 2003; Wenar & Kerig, 2000).

Art. 19, 31 CRC

13. Adequate examples in society

The child is in contact with children and adults who are examples for current and future behaviour and who mediate the adaptation of important societal values and norms (Junger et al., 2003; Loeber et al., 2001).

Art. 17, 19, 31, 32, 33, 34, 36, 37 CRC

Society: future and past

14. Stability in life circumstances, future perspective

The environment in which the child is brought up does not change suddenly and unexpectedly. There is continuity in life circumstances. Significant changes are prepared for and made comprehensible for the child. Persons with whom the child can identify and sources of support are constantly available to the child, as well as the possibility of developing relationships by means of a common language. Society offers the child opportunities and a future perspective (Cicchetti & Lynch, 1995; Dozier, 2003; Junger et al., 2003; Loeber et al., 2001; Sandler & Block, 1979; Schuengel, et al., 2003; Smith, 1995; Rutter, et al., 1998; Simmons et al., 1987; Stattin & Magnusson, 1990; Van IJzendoorn, 2008).

Art. 8, 9, 10, 11, 20, 27, 30, 37, 38, 39 CRC

Figure 2.6

BIC-model: Pedagogical environmental conditions and relevant CRC Articles

2.6.2 *The BIC-model and the changing role of family and society*

The role and tasks of parents change during the course of developmental stages, as does the role of society (Dix, 1992). The significance of the parental role in the first year of life lies primarily in caring tasks. As the child grows older, the upbringing role comes into prominence and in the transition to adulthood the process of letting go between parent and child is the main factor (Slot & Spanjaard, 2009). This means that in the first stage of development the direct influence of the pedagogical environmental conditions relating to the family are foremost. The pedagogical environmental conditions in society seem to have a less direct influence (Peeters & Woldringh, 1993). As the child grows older and comes more into contact with society in the form of school, friends and clubs, respect plays an important role in identity development. The direct influence of society becomes greater as the developmental stages evolve.

2.6.3 *The BIC-model and the vulnerability of the individual child*

When (long-term) pedagogical environmental conditions are inadequate in the environment in which the child is growing up, this often leads to developmental problems in children (Plomin & Bergeman, 1991; Rutter, Silberg, O'Conner, Simonoff, 1999). It is difficult to predict whether an *individual child* will be damaged because of the specific circumstances in which he is growing up. Caprara and Rutter (1995) view psychiatric and psychosocial problems from an interactional perspective, in which the combined genetic, biological factors and environmental factors are key elements. They described various factors of *vulnerability* that play a significant role in the influence of environmental risks on the development of an individual child. The effects of these factors should be taken into account when considering the interaction between the child's development and his upbringing environment. These effects occur because the factors have reciprocal influence and can cause a chain reaction. The effects of such causal processes can be maintained or can become more severe. Caprara and Rutter (1995) cite the following factors related to the vulnerability of children:

- *Individual differences in vulnerability.* Not every child is by nature equally vulnerable for risks in the environment. This vulnerability depends partly on the constitution of the child. Almost all forms of adversity have the greatest impact on children who are psychologically or physically vulnerable. This increases the consequences of, or accentuates existing factors of, inherent nature and personal characteristics. These inherent factors are innate and the vulnerability has become a part of the child's biological nature. However, they are (partly) determined by the environment. Environmental factors have a less direct effect in comparison with innate factors and have an effect on the vulnerability of the child (Caprara & Rutter, 1995, p.41).
- *Shared or non-shared environmental factors.* It makes a difference to the vulnerability of a child whether he is the only one in the family exposed to

risks or whether there are also other members of the family exposed to them. Thus, the effect of maltreatment on a child's development is more severe if the child is the only one in the family who is maltreated. This also applies at the level of society. It is more damaging for a child if the family is in an exceptional position in society, for example, by having a lower socio-economic status in a relatively wealthy society, than if the family is poor in a poor society. Non-shared environmental influences have a greater effect than shared environmental influences (Caprara & Rutter, 1995).

- *More risk factors occurring simultaneously.* Exposure to a specific risk factor is generally not enough to explain an unfavourable developmental perspective. Serious risks occur when there are several setbacks or stressful experiences present at the same time and there is a correlation between the present stress experiences and previous ones or if there has been an accumulation of stress and setbacks in a particular period. This increases the severity of the risk factors and the threat to children's development. For example, if a family has problems in the area of finance, relationships and housing, there is an increased likelihood that this will have consequences for the child's development (Caprara & Rutter, 1995).
- *Indirect chain reactions.* It is clear that severe and long-lasting consequences ensue after the occurrence of a succession of various risk factors. Such a chain reaction occurs as a result of various mechanisms. An initial negative experience can cause further negative experiences. Negative experiences can also have consequences for the long term because as a result of those negative experiences, the child will be denied other opportunities. People function in such a way that they select and shape their environment, whereby new risk factors evolve or are maintained (Caprara & Rutter, 1995).

The problem of experiencing environmental risks in a particular period is that these often lead to risks and a lack of opportunities in the future. This continues into adulthood. For example, a child, who, because of poverty, cannot take part in social or cultural activities, will not be able to develop as well in that respect as a child who has had opportunities to take part in such social activities. This can also have consequences for the position of the child in the group or society. Ultimately, this could lead to social exclusion. A child, who because of frequent house moves has had to constantly change primary schools, usually has poorer results than a child who has only ever attended one primary school. Ultimately, this has consequences for the level of further education, the child's professional perspective and his later position in society.

- *Risk and protective mechanisms.* Research into children's development indicates that the balance between risk and protective factors in

upbringing situations has an influence on the child's developmental risks. It is necessary to map out both the protective and the risk factors. Adequate coping behaviour in psychosocial stress has a protective effect. Furthermore, a child who does not get enough attention at home will perhaps get that in a supportive environment in which he is regularly nurtured. School can also provide a supporting role by offering a child extra guidance if that is not given at home. An increase in risks for a child's development is caused by an increase in either the long-term presence of risk factors or by the withdrawal of protective factors (Caprara & Rutter, 1995, p.44).

- *Individual variation in reaction to stress factors.* There is an individual variation in children's reaction to stress. This variation is related to the perception of a stressful occurrence and the cognitive effect of such experiences. Not every child reacts to the same extent to stress factors in the environment. Some children are emotionally more resilient than others. This is partly a question of character, but is also linked to the number of previous stressful experiences the child has gone through (Caprara & Rutter, 1995; p.45).
- *The moment at which the risk takes place.* The effect of experiences is related to the moment at which they occur. This is determined in part by the cognitive effect of experiences and the child's developmental stage. Children are not equally vulnerable to risks at every stage of their development. Thus, the consequences of the loss of a primary caregiver for babies of less than one year old are less severe than for children who are somewhat older. This is linked to the developmental age at which attachment takes place. A vulnerable period for adolescents is often the transition between primary and secondary school. If, for example, a divorce takes place during this period, the risk of developmental damage is greater than if this happened in the primary school period (Caprara & Rutter, 1995).

If a child has grown up in an environment in which one or more pedagogical environmental conditions are absent, we would suggest to consider the questions regarding children's vulnerability (see Figure 2.7) in order to assess the effect of these deficiencies on the child's development:

1. Is the child (extra) vulnerable to environmental risks because of his physical or mental make-up?
2. Is the child the only one in the family to experience risks in the upbringing and caring environment or does this apply to other family members as well?
3. Are the risks in the childrearing environment shared with other members of the society or is the family the only one to experience these risks?
4. Is there a simultaneous combination of risk or stress factors in the child's upbringing and caring situation?
5. Are there links between the current stress experiences and previous ones or is there an accumulation of stress factors over time?

6. Has the child had previous negative experiences as a result of the absence of adequate pedagogical environmental conditions in the past?
7. If so, are there negative experiences present that have a long-term effect because they exclude new opportunities?
8. How does the child give shape to his environment and how does he select his environment?
9. Was the child capable of successfully dealing with stress experiences in the past?
10. Was the child in a critical phase of life for his development when specific pedagogical environmental conditions were absent?

Figure 2.7

Questions on children's vulnerability

2.6.4 The BIC-model and the accumulation of aversive environmental conditions

The hierarchy of needs (Maslow, 1970) provides a perspective for a rank order of pedagogical environmental conditions. In his hierarchy of needs, Maslow (1970) describes the rank order in fulfilling human needs, in which a particular need must be met before people experience a need for a subsequent one. He cites physiological needs as the most basic need, followed by safety, feelings of belongingness and love, esteem and respect, with the highest achievable need being self actualisation. This structure of needs can be applied to the pedagogical environmental conditions to give children the opportunity to achieve adequate personal development. According to Maslow, adequate care and a safe physical environment are basic pedagogical environmental conditions.

Rutter (1979) carried out research into the cumulative and interactive effects of stress factors on children's development. He drew on six family factors that have a strongly significant correlation with children's psychiatric problems. These included marital conflicts, low socio-economic status, growing up in a large family, criminal parents and psychiatric problems in adulthood. Families were grouped according to the number of stress factors present. The results showed that the presence of one stress factor did not significantly increase the chance of psychiatric problems in children compared with a situation in which there was not one single stress factor. However, with the presence of two stress factors, the chance of psychiatric problems was more than quadrupled. The presence of even more stress factors caused the chance to increase cumulatively. From this, it can be deduced that the presence of several risk factors gives a greater probability that psychiatric problems will arise. The influence of one stress factor is many times greater when this occurs in a situation in which there are already several stress factors present. In addition, it transpires that the total effect of all risk factors combined is greater than the effect of the individual risk factors. Interaction between the various stress factors plays a role in this. The presence of several risk factors forms a greater threat to children's development than the severity of an individual risk factor. Other research has confirmed this theory on

the accumulation of risk factors (Brown et al., 1998; Farrington, 1997; Van der Ploeg, 2007a).

According to Rutter (1979), the inadequate quality of one pedagogical environmental condition does not lead to a seriously increased risk of developmental problems. However, an accumulation of risk factors leads to an increased likelihood of developmental problems. If there are two or more qualitatively inadequate pedagogical environmental conditions, there is an increased risk of developmental damage.

2.6.5 *The BIC-model, a final reflection*

The anticipated effects of the absence of pedagogical environmental conditions on an individual child are established on the basis of the factors of children's vulnerability. Children can be vulnerable because of innate factors or developmental delay. An optimal developmental environment reduces the chance of developmental damage or the current developmental damage is reduced. Resilient children growing up in a situation in which pedagogical environmental conditions are inadequately fulfilled form a vulnerable group of children. Long-term exposure to risk factors leads to developmental damage and it is necessary to protect these children's development by providing the necessary pedagogical environmental conditions. This protects their development for the future and developmental problems that have occurred will thereby be reduced.

Hermanns (2001) indicates that the removal of these risk factors is of prime importance in order to reduce the effects of the accumulation of risk factors, as this forms a serious threat for children's optimal development (Rutter, 1979). The reduction of risk factors is a significant treatment goal focused on the various levels of the social everyday environment (Cicchetti & Lynch, 1993). For example, by means of a treatment plan it can be established in what way action can be taken to reduce these risk factors. In this respect, Zigler (1992, p. XIII) indicates that "...the problems of many families will... only be solved by changes in the basic features of the infrastructure of society. No amount of counselling, early childhood curricula, or home visits will take the place of jobs that provide decent incomes, affordable housing, appropriate health care, optimal family configurations or integrated neighbourhoods where children encounter positive role models".

2.7 | Conclusion and preview

The BIC-model provides further detail for the concept of the best interests of the child (Art. 3 CRC). The best interests of the child are interpreted as concern for his development (Art. 6 CRC). Children's development is viewed from the perspective that environmental and child factors influence ultimate developmental outcomes.

It transpires from international literature search that fourteen pedagogical environmental conditions together contribute to optimal opportunities for children's development. The absence of these conditions increases the chances of developmental problems in children and a violation of the Convention on Children's Rights, specifically Article 3 and 6. The degree to which children suffer damage from the lack of these conditions is linked to factors of vulnerability (Caprara & Rutter, 1995).

Based on the BIC-model, we developed the Best Interest of the Child Questionnaire (BIC-Q: see *Appendix 2*). This questionnaire can be used to determine to what extent the child is obtaining the best opportunities for development and to support whichever decision is in the child's best interests. Using the BIC-Q, professionals assess the fourteen pedagogical environmental conditions based on different data sources. The elaboration of the development and use of the BIC-Q is described in the BIC-Q manual (Kalverboer & Zijlstra, 2008b). Chapters 3 and 4 will present the study of the psychometric qualities of the BIC-Q.

Abstract

Background: The Best Interest of the Child Questionnaire (BIC-Q) has been designed as an instrument for screening the quality of the rearing situation of asylum-seeking children. It is intended to aid legal decisions in asylum procedures. *Aim:* Aim of this study was to determine the reliability and the construct validity of the BIC-Q.

Method: Based on a study sample of asylum-seeking children in the Netherlands ($N = 74$), the psychometric quality of the BIC-Q was investigated using Cohen's kappa for the inter- and intrarater reliability and a nonparametric Item Response Model for the construct validity.

Results: The interrater and intrarater reliabilities of the BIC-Q were good (kappa = .65 and .74 resp.). The results of the IRT Model revealed that the fourteen pedagogical environmental conditions formed a strong and valid measurement scale for the quality of the childrearing environment ($H = .55$; $Rho = .94$).

Implications for practice: Preliminary results indicate that the BIC-Q may be applied to support decisions on where the asylum-seeking child has the best opportunities for development.

This chapter is based on:

Zijlstra, A. E., Kalverboer, M. E., Post, W. J., Knorth E. J., & Ten Brummelaar, M. D. C. (2011). The quality of the childrearing environment of refugee or asylum-seeking children and the best interest of the child: Reliability and validity of the BIC-Q. *Behavioral Science and The Law*, 28, doi: 10.1002/bsl.1998.

3.1 | Introduction

How children develop is partly influenced by the environment in which they grow up (Bartels & Heiner, 1994; Belsky & Vondra, 1989; Bronfenbrenner, 1979; Caprara & Rutter, 1995; Cicchetti & Lynch, 1995; Heiner & Bartels, 1989; Rutter et al., 1998; Van IJzendoorn, 2008; Van der Ploeg, 2007a). Developmental problems are more frequent among children growing up in multiproblem families, youth care facilities, foster families, psychiatric treatment centres, youth detention centres or asylum centres than among children raised in a more stable and harmonious upbringing situation (Cicchetti & Lynch, 1995; Harder, Knorth & Zandberg, 2006; Kalverboer & Zijlstra, 2008a; Van Oijen, 2010). The former groups of children are frequently exposed to rearing circumstances that are unsatisfactory (Davidson-Arad, Englechin-Segal & Wozner, 2003). It is important for these children to grow up in a more favourable environment that will have a positive effect on their development.

Often professionals are responsible for taking complex and far-reaching decisions that may involve a change in a child's living situation. The question is whether such a change has a positive impact on the child's development. Will the child have a better opportunity to develop if he is placed out of home in a foster family? Are the interests of the young person best served by being placed in a juvenile justice treatment institution? And what are the implications of being sent back to the country of origin for an asylum-seeking child's development? By comparing the quality of one childrearing situation with another, a decision can be taken that best serves the interests of the child and offers the best opportunities for development (Kalverboer & Zijlstra, 2006b).

The present study was prompted by the absence of a clear-cut evaluation framework for taking judicial decisions that entail a change of residence for a child. The underlying principle is that the best interests of the child should be a key consideration in such matters. This is in line with the UN Convention on the Rights of the Child (CRC), which states in Art. 3(1) that in all decisions concerning children, the best interests of the child must be a primary consideration. In order to take such decisions, there is a need for an instrument that can both establish the quality of the current childrearing situation and enable a comparison between various possible settings of upbringing. Such an instrument could provide an evaluation framework on which to base a decision regarding the question of which setting offers the child the best developmental opportunities. This would then satisfy the requirements of CRC Art. 6(2) which states that children have a right to develop to the maximum extent possible.

There are several instruments available in the Netherlands to measure aspects of a current childrearing situation. Most have been developed from the perspective of caretakers (Buurmeijer & Hermanns, 1988; De Brock, Vermulst, Gerris & Abidin, 1992; Jansma & De Coole, 1996; Lange, 2009; Scholte, 2000). However, there is no single instrument that gives an overall picture of the quality

of the childrearing environment in relation to alternative settings of upbringing and care.

The Best Interest of the Child Questionnaire (BIC-Q) was designed for this kind of 'environmental' diagnostics (see *Appendix 2*; Kalverboer & Zijlstra, 2006b). It is derived from the Best Interest of the Child model, which includes fourteen environmental conditions for the optimal development of children, and is the result of an extensive literature overview (see Figure 2.6). If all conditions are of a good quality for a considerable period of time, the child will be given optimal opportunities for development. The BIC-Q contains 24 questions to establish the fourteen environmental conditions of the BIC-model and the provisions of the CRC in the current childrearing situation and the alternative settings. In this way, professionals can more firmly underpin complex decisions entailing a change of place of residence for children, thereby affecting the best interests of the children in question (Kalverboer & Zijlstra, 2006b; Kalverboer et al., 2009).

The aim of the present study is to determine the psychometric qualities of the BIC-Q and especially its reliability and construct validity. The target population for this study consisted of asylum-seeking children growing up in the Netherlands under problematic circumstances (Kalverboer & Zijlstra, 2008a). This group, in particular, is subject to decisions - as part of current asylum procedures - that may imply a change of place of residence. Decisions need to be taken on whether the family, including the child, should be granted continued residence in the Netherlands or whether they must return to their country of origin.

This paper first describes the methods applied, followed by the results of our study: empirical data on the instrument's rater reliability and construct validity. In addition, BIC-Q scores of asylum-seeking children will be presented. In the discussion, we explore the question of the BIC-Q's psychometric qualities and point out the areas in which further research is both necessary and desirable.

3.2 | Method

The central focus of this prospective cross-sectional study is to determine whether the BIC-Q is a reliable and valid instrument for the assessment of the quality of the current childrearing environment of asylum-seeking children. Where good psychometric properties pertain, a comparison of the quality of the expected environment, i.e., continued residence in the Netherlands or a return to the country of origin, might be used to indicate which rearing environment provides the best opportunities for child development.

3.2.1 *Sample*

Data for the study sample were collected following requests from lawyers in the Netherlands (mainly in the northern region) to draw up a pedagogical/psychological report in the context of a family's current asylum procedure. Since 2004, an expert team of professionals (child psychologists) attached to the 'Universitair Ambulatorium Groningen' (UAG)³ at the University of Groningen has built up knowledge and expertise on this type of reporting. Lawyers acting for asylum-seeking families with children⁴ may request substantiated advice outlining which decision concerning the future residency situation is expected to best serve the interests of the child. In all instances, the Dutch Agency of Immigration and Naturalisation Affairs (IND) must take a decision within a short space of time or a decision by the IND must be tested in court. All these cases involve decisions deeply affecting the interests of the children in question.

Seventy-four children from different families were included in the sample. All the families gave oral consent for participation in this study. The criterion for inclusion was an age of 0-21 years (Doreleijers & Fokkens, 2010; Van der Linden, Ten Siethoff & Zeijlstra-Rijpstra, 2005). The following two considerations determined which child of the family was to be included in the study: (1) the child with the most available pedagogical/ psychological reports in the file; (2) a child younger than six where present in a family, was included in the study sample to provide a sufficient range of age within the study sample. Children younger than six years were referred less frequently than children aged six or older. In view of the first selection criterion, the sample is expected to comprise the most vulnerable children in asylum-seeking families.

3.2.2 *Sample characteristics*

Data were collected in the period January 2005 to September 2009. The study sample comprised 44 boys and 30 girls. Their ages ranged from 3 to 21 years, with an average of 11.8 years ($SD = 3.9$), (age distribution: 14% 0-6 year-olds; 38% 7-12 year-olds; 44% 13-18 year-olds; 4% >18 years). The families were mainly from countries in Africa, the Middle East, the Caucasus and the Balkan region. The years in which the families applied for the right of residence in the Netherlands ranged from 1984 to 2007, with 60% of the families having applied in the period 1998 to 2001. At the time of the study, the number of years that families and/or children had been living in the Netherlands ranged from 1 to 24

³ The 'Universitair Ambulatorium Groningen' (which means literally: University Out-Patient Clinic Groningen) is an expert centre, connected to the Department of Special Needs Education and Youth Care at the Groningen University, with facilities for clinical assessment and therapy, professional education and training, and practice-oriented research.

⁴ It caters for children and adolescents in ages ranging from 0 to 21 years. For reasons of readability, we refer in this paper to this age category as 'children'.

years, with an average of 7.1 years ($SD = 3.5$). All these families had applied for a residence permit in the Netherlands, and most had been involved in the asylum procedure for many years. The children in the study sample were referred by forty lawyer's offices.

3.2.3 *Instrument: BIC-Q*

In the application of the BIC-Q, assessments were based on four different information sources, thereby reducing the chance of a one-sided or subjective assessment (Stevens & Vollenbergh, 2008; Swanborn, 2008): (1) files from lawyers, (2) open-structured parent and youth interviews, (3) observations of the childrearing environment, and (4) information from professionals such as teachers and care professionals.⁵ Information was collected on the current childrearing conditions, the expected situation in the case of continued residence in the Netherlands or return to the country of origin, and the developmental status of the child.

To obtain additional information on the expected situation in a child's country of origin, formal information sources, such as official reports and travel advice issued by the Dutch Ministry of Foreign Affairs, the CIA World Factbook and Amnesty International, were used.

The scoring categories of the fourteen pedagogical environmental conditions are unsatisfactory (0), moderate (1), satisfactory (2) and good (3). Based on the above-mentioned data sources, professionals made assessments of the pedagogical environmental conditions from three different points of view: the current and expected situation in the Netherlands and the expected situation in the country of origin.

3.2.4 *Procedure*

The UAG professional obtained an overall picture of the quality of the fourteen pedagogical environmental conditions in which the child was currently growing up and might grow up in the future. Therefore, the professional used the various information sources in accordance with the developed and established protocol. In the study, two professionals completed the BIC-Q independently for the first half of the cases in the sample ($n = 36$) in order to establish interrater reliability. Fourteen days after the first measurement, one of the same professionals

⁵ An extensive protocol was developed in a *pilot study* in order to ensure uniform use of the different information sources and to standardize scoring. This involved collecting and organizing all the relevant information on children from seven asylum-seeking families who agreed to take part in the study. The protocol states in detail how all the information should be interpreted and scored. For the sake of brevity, we refer the reader to the *Manual BIC-Q* (Kalverboer & Zijlstra, 2008b)

completed the BIC-Q once again for the same sub-sample ($n = 35$)⁶ in order to establish intrarater reliability.

In addition, demographic data were gathered from the file. These included family composition, the child's gender and date of birth, the country of origin, and year of arrival in the Netherlands. If there were gaps in the file, the missing information was requested from the lawyer and/or the family concerned.

3.2.5 *Data analysis*

The interrater and intrarater reliability of the current pedagogical environmental conditions were determined using Cohen's kappa. A kappa of 1 means perfect agreement between observers or raters, while a kappa of 0 indicates no agreement at all. We used the following guideline to interpret the results: values below .40 were regarded as poor, values of .40 to .60 as fair, values of .60 to .75 as good, and values of .75 and above as excellent (Cicchetti, 1994; Fleiss, 1981). Because a highly asymmetrical score distribution has a negative influence on the value of kappa (Feinstein & Cicchetti, 1990), we also gave the proportion of agreement, expressed as a percentage. This is the simplest way to measure concordance between two observers (Fleiss, 1981). An agreement percentage of 80% or higher was classed as good (Feinstein & Cicchetti, 1990).

As part of our examination of the construct validity of the BIC-Q, we first calculated correlations among the current pedagogical environmental conditions using Spearman's rho. Secondly, we analysed whether the fourteen conditions satisfy the assumptions of a non-parametric Item Response Theory (IRT) model, the Mokken model (Sijtsma & Molenaar, 2002). The aim of IRT is to model the relation between the response on items (in our case the scores on current pedagogical environmental conditions) and a latent trait (in our case the quality of the childrearing environment). If the relation between scores on items and trait satisfied good measurement properties (in the Mokken model, these assumptions are monotonicity and non-intersection), the items could be regarded as providing a reliable and good measurement instrument for the latent trait. We used MSP, a program for Mokken Scale analysis for polychotomous items (Molenaar & Sijtsma, 2000). In this approach, the order of the items was estimated by the order of the mean scores of the items, and the position of each respondent on the scale was estimated by their sum scores on the items. To test whether the fourteen conditions satisfied the assumptions of the Mokken model, the Scalability Coefficient H for each item and for the entire scale was used. A value of $H > .5$ for the entire scale meant that the scale could be regarded as strong. To determine whether the items satisfied the monotonicity and the non-intersection assumptions, we used the crit-criteria available in MSP. A crit-value > 80 indicated a violation of the assumption (Molenaar & Sijtsma, 2000). We

⁶ In one case data were missing for technical reasons.

estimated the reliability of the scale quality of the childrearing environment using the reliability coefficient, Rho. Reliability above .90 was classified as excellent (Carmines & Zeller, 1994; George & Mallery, 2003).

Finally, we presented descriptive statistics on the sample scores for the current quality of the childrearing environment and the expected situation in the Netherlands and the country of origin. The score on this scale is determined by the sum score of the fourteen pedagogical environmental conditions.

3.3 | Results

3.3.1 Reliability

Table 3.1 presents the results of the analysis of interrater and intrarater reliability. It shows the kappa and proportion of agreement about the assessment of the current situation. The kappa coefficients and the proportion of agreement range from .52 to .80 ($M = .65$; $SD = .09$), respectively 69% to 89% ($M = 77\%$; $SD = 6\%$). For intrarater reliability, they range from .57 to .91 ($M = .75$; $SD = .09$), respectively 75% to 94% ($M = 84\%$; $SD = 6\%$). The outcomes for interrater reliability can be mainly classified as fair, good or even excellent, while the results for intrarater reliability are rated good to excellent.

3.3.2 Construct validity

With one exception, all tested bivariate relations between the fourteen pedagogical environmental conditions show significant, moderate to strong correlations (.23 - .80). The only two conditions that do not yield a significant correlation are 'continuity in upbringing conditions, future perspective' (7) and 'contact with peers' (12) (Spearman's $\rho = .15$).

In the Mokken analysis (see Table 3.2), the H-coefficient for the entire scale reveals that the fourteen conditions form a strong Mokken scale ($H = 0.55$). The H-coefficients for the separate items are all larger than 0.44. All crit-values for checking the monotonicity assumption are smaller than 80, indicating that this assumption is satisfied for all items. With respect to the non-intersection assumption, all crit-values, except for the condition 'contact with peers', show crit-values smaller than 80. This means that thirteen items have good measurement properties, and only the condition 'contact with peers' violates the assumption of non-intersection. The reliability of this scale is high ($Rho = 0.94$).

With respect to the interpretation of the BIC-scale, the mean scores show that the conditions 'stability in life circumstances' (14) and 'continuity in upbringing conditions' (7) are the most difficult conditions for our group of children ($M = .42$ resp. $.68$). 'Safe direct physical environment' (2) and 'safe wider physical environment' (8) are more common ($M = 1.84$, resp. 2.04). For the other conditions, we mainly see a distinction between conditions in the family (the first

six below, except ‘respect’) and conditions in society (the last four below): ‘adequate examples by parents’ (5), $M = 1.28$; ‘respect’ (9), $M = 1.32$; ‘supportive flexible childrearing structure’ (4), $M = 1.45$; ‘adequate physical care’ (1), $M = 1.55$; ‘interest’ (6), $M = 1.57$; ‘affective atmosphere’ (3), $M = 1.59$; ‘contact with peers’ (12), $M = 1.59$; ‘education’ (11), $M = 1.68$; ‘adequate examples in society’ (13), $M = 1.69$; ‘social network’ (10), $M = 1.81$.

Table 3.1
Interrater and intrarater reliability for 14 pedagogical environmental conditions in the BIC-Q: assessing the current situation

<i>Pedagogical environmental conditions</i>	<i>Current pedagogical environmental conditions</i>	
	<i>Interrater reliability</i>	<i>Intrarater reliability</i>
	<i>n = 35</i> <i>kappa (proportion of agreement)</i>	<i>n = 36</i> <i>kappa (proportion of agreement)</i>
1. Adequate physical care	.75 (83%)	.82 (89%)
2. Safe direct physical environment	.59 (71%)	.69 (81%)
3. Affective atmosphere	.60 (71%)	.76 (83%)
4. Supportive, flexible childrearing structure	.80 (86%)	.88 (91%)
5. Adequate examples by parents	.67 (77%)	.79 (86%)
6. Interest	.68 (77%)	.64 (75%)
7. Continuity in upbringing conditions	.80 (89%)	.91 (94%)
8. Safe wider physical environment	.52 (74%)	.64 (86%)
9. Respect	.52 (69%)	.83 (89%)
10. Social network	.65 (74%)	.73 (81%)
11. Education	.55 (71%)	.66 (78%)
12. Contact with peers	.68 (77%)	.65 (75%)
13. Adequate examples in society	.67 (77%)	.79 (86%)
14. Stability in life circumstances	.58 (80%)	.57 (81%)

3.3.3 *Childrearing situation of asylum-seeking children*

Table 3.3 presents descriptive data on the study sample for the overall quality of the childrearing situation. The minimum score is 0 (i.e., quality is nil), and the maximum 42 (i.e., quality is optimal).

If we look at the *current situation*, we see that the average assessment of the quality of the childrearing situation is moderate ($M = 20.5$; $SD = 9.5$). The expectations concerning the quality of the childrearing situation if the children were to return to their *country of origin* are, on average, very negative ($M = 3.3$; $SD = 4.4$). Contrasting sharply with this are the scores showing expectations relating to rearing circumstances if the children were to stay *in the Netherlands*. The quality of the childrearing situation was then judged quite positively ($M = 31.8$; $SD = 6.3$). So according to professionals, the children in the study sample

are expected to have the best opportunities for their development if they can continue residence in the Netherlands.

Table 3.2

Mean scores and H-coefficients (Mokken Scale Analysis) of the fourteen current pedagogical environmental conditions (N = 74)

<i>Pedagogical environmental conditions</i>	<i>Mean score</i>	<i>H-coefficient</i>
Stability in life circumstances (14)	0.42	.52
Continuity in upbringing conditions (7)	0.68	.45
Adequate examples by parents (5)	1.28	.60
Respect (9)	1.32	.51
Supportive, flexible childrearing structure (4)	1.45	.66
Adequate physical care (1)	1.55	.57
Interest (6)	1.57	.63
Affective atmosphere (3)	1.59	.62
Contact with peers (12)	1.59	.45
Education (11)	1.68	.57
Adequate examples in society (13)	1.69	.53
Social network (10)	1.81	.51
Safe direct physical environment (2)	1.84	.59
Safe wider physical environment (8)	2.04	.50

H = 0.55; Rho = 0.94

Table 3.3

Overall quality of childrearing environment for asylum-seeking children (N = 74): current and expected situation

<i>Situation¹</i>	<i>Min²</i>	<i>Max³</i>	<i>M</i>	<i>SD</i>	<i>median</i>
Current situation	4	42	20.5	9.5	19
Expected situation re future stay in the Netherlands	19	42	31.8	6.3	30
Expected situation re future stay in the country of origin	0	24	3.3	4.4	2

1 Minimumscore and maximumscore of the different situations are 0 resp. 42.

2 Min: actual minimum score attained in the sample.

3 Max: actual maximum score attained in the sample.

3.4 | Discussion

The main purpose of this study was to conduct an initial evaluation of the reliability and validity of the Best Interest of the Child Questionnaire (BIC-Q). The BIC-Q is an instrument which experienced professionals (child psychologists) can use to assess the quality of the current childrearing situation for asylum-seeking

children, based on different information sources, and to formulate expectations regarding the consequences of decisions that will involve a change in this upbringing setting. The BIC-Q, which has its theoretical basis in the BIC-model (Kalverboer & Zijlstra, 2006b; Kalverboer et al., 2009), can be used to support and underpin complex decisions that affect the best interests of the child (Art. 3(1) CRC) and the child's right to development (Art. 6(2) CRC). The premise is a comparison of the quality of different childrearing situations that an asylum-seeking child encounters or may encounter. When making decisions about a future place of residence, the model suggests ensuring a situation that will provide the child with the highest pedagogical quality and the best opportunities for development. Decisions taken on this basis are in line with the key provisions of the CRC.

We tested the reliability and explored the construct validity of the BIC-Q with a study sample of 74 asylum-seeking children and their families and, in conclusion, we might state that the BIC-Q can be interpreted well and is a reliable and valid instrument for measuring childrearing environments.

3.4.1 Findings and limitations

Reliability

The results of this initial psychometric study were both satisfactory and promising. The application of Cohen's kappa to independent assessments made by two professionals about the current quality of the fourteen pedagogical environmental conditions yielded a mean score of .65 (proportion of agreement 77%). This can be regarded as strong support for the interrater reliability. Moreover, our study showed that this assessment was consistent over a period of two weeks: the mean kappas for intrarater reliability came to .74 (proportion of agreement 84%). The reliability of the fourteen pedagogical environmental conditions, applying the other two perspectives (continued residence in the Netherlands and return to the country of origin), gave largely similar results.

Validity

A Mokken Scale Analysis was conducted in order to test the construct validity of the BIC-Q. It showed that the fourteen pedagogical environmental conditions measured the overall quality of the childrearing situation. The scalability and reliability were good ($H = .55$; $Rho = .94$). Moreover, the assumption of monotonicity was satisfied for all items, and the assumption of non-intersection was satisfied for thirteen conditions. Since only non-intersection was violated (and not the monotonicity assumption) for the condition 'contact with peers', and since the scale was well interpretable, taking into account the importance of the condition given by developmental psychology research (Camarena et al., 1990; De Wit et al., 2004; Wenar & Kerig, 2000), we decided that we should not remove the condition from the scale. In conclusion, we might say that the scale of

fourteen conditions forms a strong, reliable and valid instrument for measuring the quality of the childrearing situation of a child.

In case that we use dichotomized response scores on the pedagogical environmental conditions (unsatisfactory to moderate versus satisfactory to good) instead of the original four-point scale for the Mokken analysis, we also find satisfactory results with respect to scalability and reliability ($H = .47$; $Rho = .91$).

To test the construct validity of the BIC-Q, we used the current pedagogical environmental conditions and not the expected situations (continued residence in the Netherlands or return to the country of origin). In our opinion, the scores on the current conditions are most suitable for exploring the construct validity, because of the greater uncertainty and subjectivity of the expected situations in the future.

Limitations

A limitation of the present study is that the investigation of the BIC-Q's reliability and validity was based on a relatively small sample. In addition, the representativeness of the sample may be influenced because of the possibility that the most vulnerable children in asylum-seeking families were selected. We should therefore interpret the results with some caution. For further testing of this instrument, we recommend adjusting the inclusion criteria and increasing the size of the sample, not just quantitatively but also qualitatively. In other words, it would be interesting to look at the application of the BIC-Q to other populations of children and adolescents facing '(re)placement decisions', such as those who end up in foster families, treatment centres or juvenile justice institutions.

Considering that this is one of the first studies to explore the psychometric properties of the BIC-Q for asylum-seeking children, and considering the limitations of the study, the BIC-Q seems capable of generating a reliable and valid professional appraisal of the rearing circumstances in which children grow up (Kalverboer, Zijlstra, Ten Brummelaar, Huyghen, Winter & Knorth, 2011). The instrument has the potential to be a useful tool for supporting decision-making with regard to the place of residence that best serves a child's interests.

Reviewing the scores of the asylum-seeking children in the sample, it was estimated that on average they had the best opportunities for their development if they continued to reside in the Netherlands. Expectations were that children would have poorer developmental opportunities in their country of origin than in the current circumstances in which they were growing up.

These results were influenced without doubt by the fact that the study involved asylum-seeking children and families who had lived in the Netherlands for quite some time ($M = 7.1$ years; $SD = 3.5$ years) and who were anxiously awaiting the outcome of the asylum process. Earlier research has shown that a return to the

country of origin is not usually in the interests of asylum-seeking children who have lived for more than five years in the Netherlands (Kalverboer & Zijlstra, 2006a, 2006c; Kalverboer et al., 2009). De Haene and Grietens (2005) state that enforced migration out of a settled position in a social community brings with it an increased risk of developmental harm. Moreover, the emergence of developmental problems among asylum-seeking children has been shown to be linked to the long duration of the asylum process and to time spent in an asylum centre (Ehnholt & Yule, 2006; Montgomery & Foldspang, 2005). In addition, the research shows that the asylum-seekers in the study sample came predominantly from war zones where the situation was very unstable. We assume that this kind of consideration had a clear impact on the professionals in our study.

3.4.2 *Further research*

Application of the BIC-Q is thought to be relevant for judicial decision-making procedures involving the interests of children, as articulated in civil law, juvenile justice and immigration law. The BIC-Q might be an appropriate instrument for this purpose because it is based on insights from behavioural sciences, from developmental psychology and pedagogy, as well as the UN Convention on the Rights of the Child (Kalverboer et al., 2009). We recommend that further research be carried out into the possibility of applying the instrument to several areas of the law as mentioned.

This study has shown large and significant differences in the perceived quality of childrearing situations in the Netherlands and the country of origin, with the Dutch setting shown to be more favourable. We recommend further research into situations where the difference might be less marked. One way to do this would be to include in the sample more asylum-seeking children and families who are submitting their first asylum application. They would then only have been in the Netherlands for a short time.

Furthermore, it is of both theoretical interest and social importance to study the relationship between scores for perceived quality of childrearing and children's actual development. Another question is whether the different fourteen environmental conditions are predictors of future developmental problems. We could assume, for instance, that the more unstable a child's rearing circumstances are, the greater is the risk of developmental stagnation and developmental problems (Kalverboer & Zijlstra, 2008a). Or to quote Christiansen and Havik (2010): 'Repeated moves and lack of opportunity to settle down are perceived as exerting a negative influence on children's well-being and development' (p. 218).

Abstract

Background: The Best Interest of the Child Questionnaire (BIC-Q) is an instrument that measures the quality of the childrearing environment and compares this with alternative settings. In case of good predictive validity, this instrument might be a suitable tool in judicial decision-making procedures with respect to a possible change in an asylum-seeking child's place of residence. We presume that the quality of the childrearing environment judged as being favourable according to the BIC-Q will be associated with a minor degree of behavioural problems among children, and vice versa. Decisions in favour of the child's developmental prospects are in line with the UN Convention on the Rights of the Child.

Aim: Aim of this study is to determine the criterion-related validity of the BIC-Q using internalizing behaviour problems as criterion.

Method: Based on a study sample of refugee or asylum-seeking children in the Netherlands ($N = 79$), the criterion-related validity of the BIC-Q was investigated using logistic regression analysis and a ROC-curve (presenting relation between sensitivity and 1-specificity) to determine what the relation is between the quality of childrearing environment (measured by the BIC-Q) and the internalizing behavioural problems of the child (measured by the VSPS).

Results: Logistic regression analysis showed that the current quality of the childrearing environment is negatively related to the probability of internalizing behaviour problems among the children. Age, sex and length of stay in the Netherlands had marginal effect on the prediction. The ROC-curve shows that 81% of the children are correctly predicted whether they have internalizing behaviour problems or not. For seven conditions, the sum of the sensitivity and specificity was at a maximum (.75 and .71, respectively).

Implications for practice: The BIC-Q might be a suitable tool in judicial procedures to determine which place of residence for asylum-seeking children serves their interests in the best possible way.

This chapter is based on:

Zijlstra, A. E., Kalverboer, M. E., Post, W. J., Ten Brummelaar, M. D. C., & Knorth, E. J. (2012). Could the BIC-Q be a decision support tool to predict the development of asylum-seeking children? (under review).

4.1 | Introduction

Decisions involving a change in a child's upbringing setting are generally complex. Although decisions are intended to ensure more favourable developmental prospects for the child, it is far from certain whether a change in setting will actually have the desired beneficial outcome. Studies of foster children, for example, show that the number of changes in the childrearing environment – each one of them initiated to bring about a better upbringing situation – is negatively associated with the children's development (Newton, Litrownik & Landsverk, 2000; Strijker, Knorth & Knot-Dickscheit, 2008). Biehal (2006) reports that the chances of a lasting reunion between parents and child following an out-of-home placement are reduced by 'wrong decisions'. She calls a decision 'wrong' if insufficient account is taken of the unchanged upbringing setting at home with the parents. A study shows the unfavourable expectations of the development of asylum-seeking children in the country of origin, who have lived in the Netherlands for many years and who are sent back to their country of origin (Kalverboer et al., 2009).

This knowledge makes it necessary that careful consideration is given to decisions that involve changing a child's place of residence. The principle here is that high-risk environmental factors increase a child's vulnerability, thereby increasing the chance of behavioural problems (Belsky & Vondra, 1989; Cicchetti & Lynch, 1995; Heiner & Bartels, 1989; Kostelny & Garbarino, 1994; Van der Ploeg, 2007a). Research shows that it is not so much the *type* of risk factor, but the number of high-risk environmental factors that influences a child's development (Rutter, 1979). A rise in the number of such factors increases the cumulative risk of developmental damage (Brown et al., 1998; Farrington, 1997; Sameroff, Seifer, Baldwin & Baldwin, 1993; Van der Ploeg, 2007a).

The Best Interest of the Child Questionnaire (BIC-Q) might be a suitable instrument for supporting decisions about a child's place of residence in which environmental factors play a key role. The questionnaire, which is based on the UN Convention on the Rights of the Child (CRC) and the Best Interest of the Child (BIC-) model, is used to support and underpin decisions affecting the interests of the child (Art. 3(1) CRC) and the child's right to development (Art. 6(2) CRC) (Kalverboer & Zijlstra, 2006b, 2008b; Kalverboer et al., 2009). The interests of children and their right to development have become more firmly enshrined in jurisprudence since the entry into force of the EU Charter of Fundamental Rights in 2010. Article 24(2) stipulates that 'in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration'. This Article is very important because the EU Member States are bound by the best interests principle as set out in Article 24(2) CRF when implementing EU law. Even though the United States has not ratified the CRC, the discussion in the US about how best to take into consideration and

interpret the interests of the child follows on from the European discussion (Kohm, 2008).

The *quality of the childrearing* environment is a key term in the BIC-model. Based on a review of the international literature (Kalverboer & Zijlstra, 2006b), this was operationalized into fourteen pedagogical environmental conditions, which related to the provisions in the CRC. The first seven conditions concern the family situation: 'Adequate physical care' (1), 'Safe direct physical environment' (2), 'Affective atmosphere' (3), 'Supportive, flexible childrearing structure' (4), 'Adequate examples by parents' (5), 'Interest' (6), and 'Continuity in upbringing conditions, future perspective' (7). The other seven refer to conditions in society: 'Safe wider physical environment' (8), 'Respect' (9), 'Social network' (10), 'Education' (11), 'Contact with peers' (12), 'Adequate examples in society' (13), and 'Stability in life circumstances, future perspective' (14). The pedagogical environmental conditions 'Continuity in upbringing conditions' (7) and 'Stability in life circumstances' (14) measure the quality of pedagogical environmental conditions in the family or society over a lengthy period. This is in contrast to the other pedagogical environmental conditions, which refer to the current moment in which an assessment is being made.

The key assumption of the BIC-model is that if all pedagogical environmental conditions are of good quality for a long time, the child will have optimum opportunities for development. As a consequence, if a decision about a child's living or childrearing environment (e.g. placement in a foster family or return to country of origin) needs to be taken, a decision in favour of the setting that offers the child the best opportunities for development is the one that is in agreement with the principles of 'interests of the child' and 'right to development' (Kalverboer & Zijlstra, 2006b; Kalverboer et al., 2009; Kalverboer et al., 2011).

A comprehensive literature review of the factors promoting optimal development of children provided the initial legitimation of the content validity of the BIC-Q. Research so far into the reliability and construct validity of the BIC-Q gives positive results. The interrater and intrarater reliability of the BIC-Q was good ($\kappa = .65$ and $.74$, respectively), and the scalability and reliability of the Mokken Scale 'quality of the childrearing environment' (comprising the fourteen pedagogical environmental conditions) was excellent ($H = .55$; $Rho = .94$) (Zijlstra, Kalverboer, Post, Knorth & Ten Brummelaar, 2012).

This study tested the criterion-related validity (Van den Brink & Mellenbergh, 2003) of the BIC-Q within a group of asylum-seeking children whose parents had submitted an asylum application in the Netherlands. This type of validity is of immense importance for the practical application of questionnaires that could play a part in underpinning decisions (Oosterlaan & Veerman, 2002). Decision-making within the asylum process considers the question whether the child

should return to the country of origin or whether the child should grow up in the Netherlands. If the BIC-Q has good predictive (i.e., criterion-related) validity, this instrument can be used as a decision-support tool for this question (De Ridder, 1992).

Asylum-seeking children constitute a vulnerable group because of the stress and trauma associated with forced migration, with the result that these children often struggle with behavioural problems (Bronstein & Montgomery, 2011; De Haene & Grietens, 2005; Derluyn & Broekaert, 2008; Kalverboer & Zijlstra, 2008a). Internalizing behaviour problems in particular, such as anxieties, depression, sleeplessness, nightmares, physical complaints and suicide are often reported among asylum-seeking children (Andersson, Ascher, Björnberg, Eastmond & Mellander, 2005; Fazel & Stein, 2002, 2003; Hodes, Jagdev, Chandra & Cunliffe, 2008; Hodes & Tolmac, 2005). We will therefore in particular focus the question about the predictive value of the BIC-Q upon this type of problem as a criterion.

In addition to the quality of the childrearing environment, we will investigate whether factors such as the age and sex of the child and the length of stay in the Netherlands are also related to internalizing behaviour problems among asylum-seeking children (Bronstein & Montgomery, 2011; Groark, Sclare & Raval, 2011; Laban, Gernaar, Komproue, Schreuders & De Jong, 2004; McCarthy & Marks, 2010).

4.2 | Method

The central focus of this prospective cross-sectional study is to determine the criterion-related validity of the BIC-Q. In case of a good criterion-related validity, this instrument can be used to indicate which rearing environment gives the best opportunities for child development: continued residence in the Netherlands or a return to the country of origin.

4.2.1 Sample

In the period 2006-2010, data about children in asylum-seeking families were collected in response to requests from lawyers in the Netherlands (mainly in the northern region) to draw up a pedagogical/psychological report on the children. All the families gave oral consent for participation in this study. Since 2004, an expert team of professionals (psychologists) attached to the Universitair Ambulatorium Groningen (UAG)⁷ at the University of Groningen has built up knowledge and expertise on this type of reporting. Lawyers may refer asylum-seeking families with children for diagnostic reporting. This also involves

⁷ 'Universitair Ambulatorium Groningen' literally means: University Out-Patient Clinic Groningen. This Centre, connected to the Department of Special Needs Education and Youth Care at the Groningen University, offers facilities for clinical assessment and therapy, professional education and training, and practice-oriented research.

providing a prognosis on whether there are risks (and if so, which ones) for the child's development associated with at least two residence scenarios: continued residence in the Netherlands or return to country of origin. Based on this information, an estimation can be given as to which decision is expected to best serve the child's interests. In all instances the Dutch Agency of Immigration and Naturalisation Affairs (IND) must make a decision within a short space of time or the IND's decision must be tested in court or by the Administrative Law Section of the Council of State. All these cases involve decisions affecting the interests of the children in question.

The present study sample comprised 79 children from different asylum-seeking families who came primarily from countries in Africa, the Middle East, the Caucasus and the Balkan region. The criterion for inclusion was an age of 0-21 years (Doreleijers & Fokkens, 2010; Van der Linden et al., 2005). The following two considerations were taken into account to determine which child of the family was included in the study: (1) the available pedagogical/psychological reports in the file; (2) the age of children. With respect to the first, the child in a family with the most available reports was selected in order to include the most vulnerable children in asylum-seeking families. With respect to the latter, children younger than six year were always included to pursue a sufficient dispersion of age, since children in this age category were referred less frequently than children aged six or above.

4.2.2 Procedure

Data on each child's current situation and development were collected from five information sources:

1. The *file* was examined for any psychological and pedagogical reports that it contained.
2. An open structured *interview* was conducted with the parent(s) and child(ren). Topics of discussion were drawn up on the basis of the fourteen pedagogical environmental conditions.
3. During the interview, trained researchers *observed* the behaviour of the child and its parent(s), as well as non-verbal communication, interaction between parents and child(ren), upbringing skills and the outward appearance of all family members.
4. Professionals involved with the family, such as teachers and care professionals were *interviewed* about the child's development and living situation. With teachers, the discussion focused on the child's socio-emotional development and learning progress, while the open questions to care professionals focused on the fourteen pedagogical environmental conditions, the child's social and emotional development and the possible presence of psychiatric problems.

5. *Standardized instruments* were used to measure the child's environmental setting and socio-emotional development from the point of view of professionals: the VSPS (Social and Pedagogical Situation Questionnaire; see below for details) and the BIC-Q.

In addition to information about the child's development and childrearing environment, data of a biographical and demographic nature were gathered, such as the age and sex of the child, family composition, country of origin and year of arrival in the Netherlands (Zijlstra et al., 2011).

4.2.3 *Instruments*

BIC-Q

The BIC-Q is suitable for children of all ages. A professional uses the BIC-Q research protocol to assess the quality of the fourteen pedagogical environmental conditions for the child's current situation (Kalverboer & Zijlstra, 2008b). The first four information sources listed under 'Procedure' are used for this purpose. The professional also indicates what the expected quality of the childrearing environment (fourteen pedagogical environmental conditions) would be in the event of continued residence in the Netherlands and in the event of return to the country of origin.

The scoring categories for the pedagogical environmental conditions are unsatisfactory (0), moderate (1), satisfactory (2), and good (3). The quality of the childrearing environment is established by adding up the dichotomized scores on the individual pedagogical environmental conditions of the BIC-Q. Response scores 2 or 3 make up the first category and point to a fairly high quality for the pedagogical environmental condition (dichotomized score = 1), while response scores 0 or 1 form the second category and indicate a fairly low quality (dichotomized score = 0). The maximum score for the quality of the childrearing environment is 14 (i.e. all pedagogical environmental conditions are of high quality) (Zijlstra et al., 2011).

VSPS

The VSPS (Social and Pedagogical Situation Questionnaire, see Scholte, 1993, 2000), used to analyse problem situations in which children grow up, is based on the multiple risk model (Van der Ploeg, 2007a). In 1999 the Dutch Committee on Tests and Testing (COTAN) judged the reliability, criterion validity and construct validity of the extended version of the VSPS to be satisfactory (Boendermaker, Harder, Speetjens, Van der Pijll, Bartelink & Van Everdingen, 2007; Scholte & Douma, 1999). The behaviour scales in this questionnaire are used to map out a child's behavioural problems. To complete the VSPS, information gathered from the first four information sources is used (see 'Procedure').

The behaviour scales are divided into internalizing and externalizing behaviour problems. The internalizing problem scale is further subdivided into depressed, anxious and social anxious, while the externalizing problem scale is

subdivided into hyperactive, aggressive and anti-social behaviour (Scholte, 2000). The outcomes of the VSPS are presented in six categories: 0 = no (no help needed), 1 = slightly (still no help needed), 2 = slightly to clearly (help may be needed), 3 = clearly (help needed), 4 = clearly to very clearly (help needed quickly), 5 = very clearly (help needed urgently). Normative scores are derived from research in the Dutch child and youth care fields (Scholte, 2000).

The presence and absence of internalizing or externalizing behaviour problems is established by dichotomizing the outcomes on the two scales. An outcome of 2 or more is classified as presence or clear presence of internalizing or externalizing behaviour problems. Other scores indicate absence or negligible presence of internalizing or externalizing behaviour problems.

4.2.4 *Sample characteristics*

The study sample comprised 45 boys and 34 girls ($N = 79$). Table 4.1 gives the scores on the VSPS and the BIC-Q. We see that the quality of the childrearing environment for the asylum-seeking children was moderate ($M = 7.1$; $SD = 4.0$) and that mainly the pedagogical environmental conditions 'continuity in upbringing conditions' (7) and 'stability in life circumstances' (14) are lacking.

A paired t-test was used to determine whether there was a difference in children between the internalizing and externalizing behaviour problems. The results show that internalizing behaviour problems occurred significantly more often than externalizing behaviour problems. The outcomes of the internalizing problem scale show that 51 children (20 girls and 31 boys) scored 2 or more (i.e. slightly to very clear presence of problems). On the externalizing problem scale, 9 children scored 2 or more (3 girls and 6 boys).

Table 4.1 also presents mean scores for a weighted random sample of 415 children in youth care (Child and Youth Care, Youth Protection and Youth Mental Health), taken from a study by Scholte (2000), on the scales of depressed, anxious, socially anxious, hyperactive, aggressive and anti-social behaviour. Compared to this group, it is remarkable that the asylum-seeking children battled more frequently with depression, anxious and social anxious than the children in youth care and had fewer problems with hyperactivity, aggression and anti-social behaviour.

Because both the international literature (Andersson et al., 2005; Fazel & Stein, 2002, 2003; Hodes et al., 2008; Hodes & Tolmac, 2005) and our study sample revealed that asylum-seeking children fairly often face internalizing behaviour problems, this constitutes the criterion in our prediction model.

Table 4.1

Descriptive results of the BIC-Q and VSPS (N = 79)

	<i>Min.</i>	<i>Max.</i>	<i>M</i> <i>(M youth</i> <i>care</i> <i>sample)</i>	<i>SD</i>
Age	3	21	11.6	3.8
Length of stay in the Netherlands (years)	1	30	7.5	4.3
<i>BIC-Q</i>				
Quality of the childrearing environment	1	14	7.1	4.0
<i>VSPS</i>				
Internalizing behaviour problems	0	5	2.5*	1.2
Depression	0	5	2.6 (2.3)	1.5
Anxious	0	5	2.7 (1.7)	1.3
Social anxious	0	5	2.1 (1.8)	1.4
Externalizing behaviour problems	0	3.3	0.7*	0.8
Hyperactive	0	5	1.4 (2.3)	1.4
Aggressive	0	4.8	0.7 (1.8)	1.0
Anti-social behaviour	0	2.7	0.1 (2.0)	0.4

* Significant difference $p < .001$

4.2.5 Data analysis

First, we establish the correlation between the VSPS (internalizing and externalizing problem scales) and the BIC-Q (the fourteen current pedagogical environmental conditions and the quality of the childrearing environment), using Spearman's rho. Correlations above .50 were regarded as good and correlation between .30 and .50 as moderate (Cohen, 1992).

Binary logistic regression analysis was performed to examine which factors predict the occurrence of internalizing behaviour problems in children (Siero, Huisman & Kiers, 2009). The score on the BIC-Q was the first predictor to be included in the regression analysis. The probability of the occurrence of internalizing behaviour problems was estimated for each score based on the *current quality of the childrearing environment*, together with its prediction intervals (PI). In addition to the score of the BIC-Q, the variables of age, sex and length of stay in the Netherlands were successively added to the logistic regression analysis to find out whether they improved the prediction of internalizing behaviour problems. This resulted in various prediction models, whose fit and significance were evaluated by means of the likelihood ratio test.

Lastly, we investigated which number of pedagogical environmental conditions predicted the presence or absence of internalizing behaviour problems best. The sufficient quality of the childrearing environment can be defined using different cut-off points of the BIC-Q sumscore. For all possible cut-

off points, the sensitivity (i.e. percentage correctly classified children with problems) and specificity (i.e. percentage correctly classified children without problems) were determined. The BIC-Q must have a high sensitivity and specificity in order to be able to predict with a considerable degree of accuracy that an asylum-seeking child has or does not have internalizing behaviour problems. The sum for sensitivity and specificity was established for all values of the BIC-Q scores, with the highest sum indicating the optimum cut-off point. The results for sensitivity and specificity were presented in a receiver operating characteristic (ROC) curve (see below for details). The positive (PPV) and negative predictive values (NPV) were determined for the BIC-Q. These values are meaningful for diagnostic instruments (Retzlaff & Gibertini, 2000). The PPV and NPV indicate how often the presence or absence of internalizing behaviour problems can correctly be predicted given a certain cut-off point of the BIC-Q score.

ROC-curve

The ROC-curve, frequently used in the analysis of medical diagnostic decisions (Verhulst & Koot, 1992), indicates whether the 'quality of the childrearing environment' variable can correctly predict the presence or absence of internalizing behaviour problems in a child. In the ROC-curve, sensitivity is plotted as function of 1-specificity for different scores of the BIC-Q

Interpretation of the ROC-curve is based on the area under the curve (AUC), which indicates how well the BIC-Q can predict internalizing behaviour problems. The reference curve (diagonal line) refers to the situation where a test adds nothing in terms of predictive value – in other words, it is no better than chance (AUC = .50). A perfect predictive test has an AUC of 1. In terms of statistical power, a value of 0.7 - 0.8 is generally regarded as 'reasonable' and a value > 0.8 as 'good' (Hosmer & Lemeshow, 2000; Weinstein & Feinberg, 1980).

4.3 | Results

4.3.1 Criterion-related validity

Table 4.2 presents the correlations between the different pedagogical environmental conditions and the internalizing and externalizing problem scales (VSPS). We see that different pedagogical environmental conditions correlates significantly (moderate to good) with the internalizing and externalizing problem scales. The remaining results show that internalizing behaviour problems correlate significantly (moderate to good) with the individual pedagogical environmental conditions. No significant correlations were found between externalizing behaviour problems and four pedagogical environmental conditions in the society.

Table 4.2
Spearman's rho correlation coefficient for the BIC-Q and VSPS (N = 79)

BIC-Q	VSPS	
	Internalizing problem scale	Externalizing problem scale
Quality of the childrearing environment	-.49**	-.38**
1. Adequate physical care	-.32**	-.36**
2. Safe direct physical environment	-.25*	-.30**
3. Affective atmosphere	-.41**	-.34**
4. Supportive, flexible childrearing structure	-.40**	-.37**
5. Adequate examples by parents	-.35**	-.26*
6. Interest	-.36**	-.26*
7. Continuity in upbringing conditions	-.41**	-.23*
8. Safe wider physical environment	-.39**	-.12
9. Respect	-.44**	-.26*
10. Social network	-.25*	-.36**
11. Education	-.40**	-.42**
12. Contact with peers	-.44**	-.22
13. Adequate examples in society	-.41**	-.16
14. Stability in life circumstances	-.47**	-.15

* Correlation is significant at $p < .05$; ** correlation is significant at $p < .01$.

Table 4.3
Logistic regression analysis for internalizing behaviour problems (VSPS) (N = 79)

Model	Predictors	B	SE	Sign.	Odds ratio	95% *CI for odds ratio
1	Constant	3.18	.72			
	Quality of the childrearing environment	-.33	.08	.00	.72	(.61 - .84)
2	Constant	1.63	1.03			
	Quality of the childrearing environment	-.35	.08	.00	.71	(.60 - .83)
	Age	.15	.08	.05	1.16	(1.00 - 1.35)
3	Constant	1.44	1.06			
	Quality of the childrearing environment	-.35	.09	.00	.70	(.59 - .83)
	Age	.15	.08	.06	1.16	(1.00 - 1.35)
	Sex	.50	.58	.39	1.65	(.53 - 5.14)
4	Constant	2.43	1.24			
	Quality of the childrearing environment	-.35	.09	.00	.70	(.59 - .84)
	Age	.16	.08	.05	1.17	(1.00 - 1.37)
	Sex	-.53	.59	.59	1.53	(.18 - 1.89)
	Length of stay in the Netherlands	-.08	.07	.23	.92	(.81 - 1.05)

*CI = Confidence Interval

Logistic regression analysis shows that the quality of the childrearing environment is a significant predictor for internalizing behaviour problems (Model 1: $\chi^2 (1) = 23.23$, $p < .0005$; see Table 4.3). The risk of internalizing behaviour problems is greater for lower scores on the BIC-Q. The addition of age in the model, led to a marginal improvement in the prediction (Model 2: $\chi^2 = 4.074$, $p = .04$). The addition of sex and length of time that the family resided in the Netherlands did not lead to a better fit (Model 3: $\chi^2 = .74$, $p = .38$, Model 4: $\chi^2 = 1.57$, $p = .21$).

Table 4.4 shows the estimated risk of internalizing behaviour problems for different scores on the BIC-Q. If only one pedagogical environmental condition is of high quality, the estimated probability of internalizing behaviour problems is 94%; if twelve pedagogical environmental conditions are of high quality, this probability is 31%. We also see that asylum-seeking children growing up in an environment where all pedagogical environmental conditions are of high quality still have a 19% chance of internalizing behaviour problems.

In order to understand the quality of the instrument as a classification tool, Table 4.4 also gives the sensitivity and specificity, as well as the positive and negative predictive value for each value of the 'quality of the childrearing environment' variable. The sum of the sensitivity and specificity was at a maximum for seven high-quality pedagogical environmental conditions. Of the asylum-seeking children with internalizing behaviour problems, 75% were growing up in a childrearing environment where seven or fewer pedagogical environmental conditions were of high quality (i.e., sensitivity = .75). In addition, 71% of the asylum-seeking children for whom no internalizing behaviour problems were observed were growing up in a childrearing environment where more than seven pedagogical environmental conditions were of high quality (i.e., specificity = .71). If these seven environmental conditions are used as threshold criterion, a negative test result (i.e. the quality of the childrearing environment is 7 or less) has the predicted result that 83% of the children have internalizing behaviour problems (PPV = .83). A positive result on the BIC-Q (i.e. the quality of the childrearing environment is more than 7) predicts that 61% of the asylum-seeking children do not have internalizing behaviour problems (NPV = .61).

As a summary measure, the sensitivity and specificity of the BIC-Q scores are presented in a ROC-curve (see Figure 4.1). Based on the BIC-Q score, we can predict for 81% of the children whether they do or do not have internalizing behaviour problems (AUC = .81; 95% CI = .71 - .91). The BIC-Q is shown to be an effective instrument for establishing whether or not asylum-seeking children have internalizing behaviour problems (Hosmer & Lemeshow, 2000; Weinstein & Feinberg, 1980).

Table 4.4
Prediction model for the quality of the childrearing environment (QCE) and the risk of internalizing behaviour problems: sensitivity, specificity, positive predictive value (PPV) and negative predictive value (NPV)

QCE score	Risk of internalizing problems (PI)*	Sensitivity	Specificity	PPV	NPV
0	.96 (.92-1.00)	0	1	-	.35
1	.94 (.89-.99)	.16	1	1	.39
2	.92 (.86-.98)	.22	1	1	.41
3	.90 (.83-.97)	.28	.96	.93	.42
4	.86 (.78-.94)	.47	.96	.96	.50
5	.82 (.73-.91)	.55	.86	.88	.51
6	.77 (.68-.86)	.67	.82	.87	.58
7	.70 (.60-.80)	.75	.71	.83	.61
8	.63 (.52-.74)	.78	.64	.80	.62
9	.55 (.44-.66)	.80	.61	.78	.63
10	.46 (.35-.57)	.84	.54	.77	.65
11	.38 (.27-.49)	.92	.39	.74	.73
12	.31 (.21-.41)	.98	.21	.69	.87
13	.24 (.14-.34)	1	.18	.69	1
14	.19 (.10-.28)	1	0	.65	-

* PI = Prediction Interval

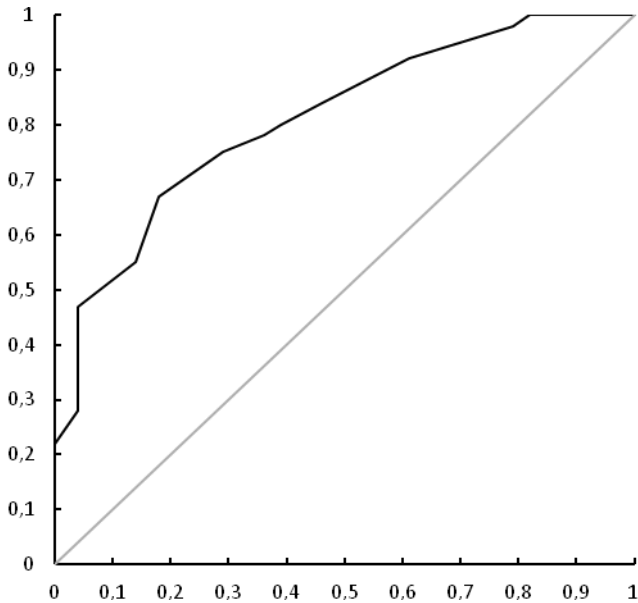


Figure 4.1
ROC-curve for the quality of the childrearing environment (Y-as, Sensitivity; X-as 1-Specificity; N = 79)

4.4 | Conclusion and discussion

The main objective of this study was to investigate the criterion-related validity of the BIC-Q. The BIC-Q is a questionnaire that might be used in judicial and other decision-making procedures involving a change in a child's place of residence. With the aid of the questionnaire, the quality of the childrearing environment can be compared with alternative situations, the idea being that the situation of the highest quality offers the child the best opportunities to develop. A decision taking into account these grounds is in agreement with Articles 3 (best interests of the child) and 6 (right to development) of the UN Convention on the Rights of the Child. Results from this study support the validity of the BIC-Q and are encouraging for the use of the BIC-Q as an instrument for arriving at well-considered decisions in the interests of the child.

4.4.1 *Findings and limitations*

The study showed a significant correlation between the current quality of the childrearing environment (as established with the BIC-Q) and current internalizing behaviour problems among asylum-seeking children (as measured using the VSPS). Logistic regression analysis shows that the BIC-Q score predicts the probability of internalizing behaviour problems. The lower the score, the greater the chance of internalizing behaviour problems for the child. The correct level of prediction for the presence or absence of internalizing behaviour problems was established by means of a ROC-curve and was shown to be good (81%). Factors such as age, sex and length of stay in the Netherlands improved the prediction model only marginally: the child's age had a significant effect but barely added anything to the model, while the child's sex and length of stay in the Netherlands made no significant contribution.

The fact that length of stay in the Netherlands does not correlate with the problems facing asylum-seeking children departs from the hypothesis based on the results of international studies. These showed that emotional problems increase in severity the longer asylum-seekers stay in a reception centre. Parents' stress levels increase, which makes them less capable for raising their children (Dermot, Benson, Ciarán & Dooley 2008; Hallas, Hansen, Staehr, Munk-Andersen & Jorgensen, 2007; Montgomery & Foldspang, 2005; Nielsen, Norredam, Christansen, Obel, Hilden & Krasnik, 2008; Van Essen & Bala, 2007). A possible reason why we do not find this correlation could be that asylum-seeking families in our study sample had been living in the Netherlands for several years at the time of study ($M = 7.5$ years; $SD = 4.3$ years). Incidentally, another recently published Dutch study also found that the psychosocial problems of asylum-seeking children do not correlate with asylum-related factors such as the number of relocations, length of stay in the Netherlands and the child's status (Wiegersma, Stellinga-Boelen & Reijneveld, 2011). There is a need for more

research into the link between asylum-related factors and behavioural problems among asylum-seeking children.

The study results with respect to the sensitivity and specificity offer different possible decision rules leading to different conclusions with regard to placement decisions affecting the interests of asylum-seeking children. If we apply the commonly used margin of error of 5% for the sensitivity and specificity, four high-quality pedagogical environmental conditions emerge as the lower limit and twelve high-quality conditions as the upper limit. In a childrearing environment where four or fewer pedagogical environmental conditions are of high quality, 4% of the children are incorrectly classified as having internalizing behaviour problems (specificity). However, the sensitivity for this value is low, with internalizing behaviour problems not detected in more than half of the children (sensitivity = .48). For twelve or more high-quality pedagogical environmental conditions, there is a high probability that children are correctly classified as having internalizing behaviour problems (sensitivity = .98). The specificity is lower for this value (specificity = .21). This means that over 75% of asylum-seeking children growing up in a childrearing environment where less than twelve pedagogical environmental conditions are of high quality are incorrectly classified as having internalizing behaviour problems. A study by Rutter (1985), in which he reports that the presence of two or more risk factors in the upbringing context leads to an exponentially increasing chance of psychiatric problems, ties in with this result. The optimum value for the combination of sensitivity and specificity is found with a score of seven high-quality pedagogical environmental conditions; between 71% and 75% of the asylum-seeking children are then correctly classified as having/not having internalizing behaviour problems. Incidentally, this also means that internalizing behaviour problems were not identified for 25% of the asylum-seeking children (sensitivity) and internalizing behaviour problems were incorrectly predicted for 29% of the children (specificity). Which values are acceptable partly depends on the social context in which the decision-making occurs; this is suggested by the margin of error (incorrectly classifying an individual as someone who has or does not have behavioural problems) that policymakers or clinicians find acceptable (Oosterlaan & Veerman, 2002).

The results of both the logistic regression analysis and the ROC-curve show that factors as age, gender, and duration of stay in the Netherlands in addition to the quality of the childrearing environment are marginally associated with internalizing behaviour problems. Other factors were not taken into account. Werner (1993), Rutter (1985) and Garmezy (1991) have conducted studies to explain why some children emerge unscathed from a high-risk upbringing setting while others are harmed. Caprara and Rutter (1995) described factors that determine the vulnerability of individual children to the occurrence of behavioural problems. Based on a longitudinal study of the resilience of children growing up in high-risk circumstances, Werner (1996) identified five clusters of factors that are associated with successful adjustment in adulthood. According to

Werner (1996), Rutter (1985) and Garmezy (1991) it is important to consider these types of factors when making placement decisions. Further research is recommended to the BIC-Q and the resilience and vulnerability of asylum-seeking children.

The vulnerability of asylum-seeking children manifests itself in internalizing behaviour problems. At the same time, many of these children appear to be resilient. Several researchers report that children who are labelled resilient and who appear competent despite high-risk situations use internalizing strategies to manage stress. These children exhibit more anxiety and symptoms of depression (Farber & Egeland, 1987; Parker, Cowen, Work & Wyman, 1990; Luthar, 1991). Further research needs to be carried out into the resilience of asylum-seeking children and their coping strategies.

There are several comments to be made about the results of this study. Expectations can be expressed about the internalizing behaviour problems of children based on the quality of the current and expected childrearing environment. However, this study did not investigate whether the predictions about the expected quality of the childrearing environment in the Netherlands or in the country of origin and about the child's further socio-emotional development were also correct. Results of a follow-up study of this type would be of immense importance for further underpinning the predictive validity of the BIC-Q. This would answer the question as to whether the decision had created favourable developmental prospects for the child.

The BIC-Q was administered in this study within the legal context of legislation relating to aliens. The study sample comprised asylum-seeking children who were referred by lawyers. We advise caution in extrapolating the study findings to other areas of law involving children, such as criminal law and civil law. For example, children that are in conflict with the law are more prone to externalizing behaviour problems; internalizing behaviour problems are not suitable as criterion to be predicted (Doreleijers, Scholte & Matser, 2002). However, the BIC-Q might offer assistance for these areas of the law when it comes to decisions to place a child, in its own best interests, in a youth detention centre or a foster family. Validation of the BIC-Q for these other groups of children is a research area that needs further work.

This study did not consider explicitly the (young) children's views about their best interests. Although they were asked which future childrearing environment they believed was best for their own development. A study is currently being conducted about the use of the BIC-Q within juvenile justice. Part of the study, based on Article 12 CRC (respect for views of the child), involves the development of a self report version of the BIC-questionnaire. It considers how young people assess their childrearing environment and which decision safeguards their interests best (Ten Brummelaar & Kalverboer, 2011). Use of a self-report version of the BIC-Q for young people in legislation relating to aliens would take a child's

views into account. In this study asylum-seeking children were asked in the diagnostic interviews how they regard their future. They voiced their appreciation to researchers that, finally, their own opinion about their situation and future was considered. Listening to their voices is in their best interests.

Abstract

This study explores the impact of child-focused social welfare reports on legal decision-making in cases involving children and families seeking asylum in the Netherlands. The Best Interest of the Child Questionnaire (BIC-Q), based on the UN Convention on the Rights of the Child (CRC), was designed to assess the developmental prospects of asylum-seeking children in different places of residence. In 70 cases of asylum-seeking children, BIC-Q data was used as input for reports aimed at supporting them in the judicial process. The families' lawyers introduced the reports in the legal proceedings. In 87 per cent of the cases, these were taken into account. In those cases where a final decision was made concerning residence rights ($n = 30$), analyses were made of the reports' impact using the minutes of the internal discussions. The results show the significance of these reports for decision-making in line with the CRC.

This chapter is based on: Kalverboer, M. E., Zijlstra, A. E., Ten Brummelaar, M. D. C., Huyghen, A. M. N., Winter, H. B., & Knorth, E. J. (2011). Children first? The significance of child-oriented social welfare reports for legal decision-making in asylum procedures. *International Journal of Child and Family Welfare*, 14 (1), 2-18.

5.1 | Introduction

When an asylum-seeking family with children applies for asylum in the Netherlands, the situation of the parents is primarily taken into consideration by the Dutch Agency for Immigration and Naturalisation Affairs (IND). This agency decides on asylum requests in the Netherlands. If the parents' claim to asylum is accepted, the children are also granted a residence permit. If the parents are refused asylum, so are their children. As a result of this policy, the children's situation and their rights are not automatically investigated. This is one of the reasons why children whose parents apply for asylum, as legal subjects, have a weak position in the asylum procedure. Another reason is that professionals such as social workers, counsellors, educationalists, psychologists or psychiatrists working with these children have no official role in the legal asylum process. The lawyers representing asylum-seeking families generally lack sufficient knowledge of child development and the influence of unfavourable rearing and social conditions. As a result, they are unable to provide solid information about the effects of a return to the country of origin. This leads to such information not being included in the legal procedures. For a long period of time, it was also the general opinion amongst lawyers that this type of information would not really be of influence on the decisions made by the IND and, therefore, was rarely included in legal reports (Kalverboer & Zijlstra, 2006b, 2006c, 2008a; Kalverboer et al., 2009).

We know from several international studies that asylum-seeking children often have severe emotional problems; they are vulnerable because of their experiences in the country of origin, the flight and the deprivation in the host countries (Bean, 2006; Bean, Eurelings-Bontekoe & Spinhoven, 2005; Fazel & Stein, 2003; Hodes, Jagdev, Chandra & Cunliffe, 2008; Montgomery & Foldsprang, 2005). Many parents suffer from severe emotional or psychiatric problems such as PTSD (post traumatic stress disorder), which undermines their ability to raise their children (Fazel & Stein, 2003; Hallas et al., 2007; Hodes et al., 2008; Kalverboer & Zijlstra, 2006b, 2006c, 2008a; Kalverboer et al., 2009; Montgomery & Foldsprang, 2005).

That the situation of asylum-seeking children should be a point of consideration in the Dutch asylum procedure, as well as in the other European Union (EU) countries, is determined in the EU policy on children's rights. Several directives concerning the EU asylum policy refer to the United Nations Convention on the Rights of the Child (CRC). This Convention contains the major international obligations regarding children (Martin & Curran, 2007). The CRC is legally binding on those countries which have ratified it, as have all EU member states. The Convention came into force in the Netherlands on 8 March 1995.

In 2005, at the request of and in cooperation with the Dutch section of the NGO Defence for Children International, the team of authors initiated a study to examine whether case-oriented welfare reports could have an impact on decisions made by the Dutch IND. The reports focus on issues of social welfare, such as the children's development and prospects, family circumstances, and the rights of children as minor asylum-seekers. The aim was to gain insight into the position of the children and to contribute to the improvement of their position by having the CRC taken more seriously in asylum law and policy.

In the Netherlands, no such reports were available, so reports were prepared/ written by a specially trained team of social welfare specialists (behavioural scientists) who were familiar with the situation of asylum-seeking families. Although some studies about the application of social reports in asylum procedures are available in other countries (Fiske & Kenny, 2004), the impact that such reports could have on the administrative and legal decision-making has not been tested and is unknown (Tufnell, 2003). According to Hodes and Tolmac (2005), it is widely believed that well written reports may strengthen the asylum claims.

In this article, we will first address the CRC, especially its meaning in the context of EU legislation and the Dutch asylum policy and law. Secondly, we will present the Best Interest of the Child Questionnaire (BIC-Q). This instrument was developed to create a solid base for gathering and processing information about individual asylum cases, and to offer the specialists' team a tool for organizing their welfare reports in a consistent way. Finally, the results of preliminary research into the impact of introducing welfare reports in legal decisions-making procedures related to young asylum-seekers will be described. An anonymous case study is used throughout this article as an illustration of the method.

Isatu and aunt May

Isatu and her aunt May (her mother's sister) from Sierra Leone came to the Netherlands in 2002. In Sierra Leone, Isatu was raised by her father, mother and her aunt May. When Isatu was five years old, her mother was killed by rebels. Her father disappeared during the war and was probably killed as well. Isatu's aunt took care of Isatu and brought her to the Netherlands. She applied for asylum for both Isatu and herself. Since then, she has been Isatu's only care-provider and only relative. After a five-year period in the Netherlands as an asylum-seeker, Isatu obtained permission from the Dutch government to stay in the Netherlands because of for the danger of circumcision in Sierra Leone. Her aunt, however, did not obtain permission and, according to the judicial authorities, had to return to Sierra Leone. Her lawyer asked the team to provide a social report, based on the BIC-Q, to support a new asylum application for aunt May in which Isatu's situation was taken into consideration.

5.2 | CRC and European policy on children's rights, especially in asylum law

The way in which aspects about children's welfare should be taken into account can be derived from the CRC, which was adopted by the General Assembly of the United Nations on 20 November 1989. The CRC clusters all of the rights of children in one convention and grants children rights which go further than those in other conventions. This is one of the main reasons why the Convention has added value compared to previously existing regulations. The Convention covers not only civil and political rights, but also economic, social and cultural rights. Moreover, these rights are specifically geared to children. The UN Committee on the Rights of the Child is charged with monitoring the fulfilment of obligations under the CRC. This Committee consists of eighteen independent experts who are elected for four years by the signatory states. The following articles are considered to be general principles of the CRC:

1. All the rights guaranteed by the Convention must be available to all children without discrimination of any kind (Art. 2).
2. The best interests of the child must be a primary consideration in all actions concerning children (Art. 3).
3. All children have the right to life, survival and development (Art. 6).
4. Children's views must be considered and taken into account in all matters affecting them (Art. 12).

These articles are to be considered together. Of all the general principles, the definition and the determination of the meaning of Article 3 is the most unclear. The full text of Article 3(1) states that "... in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

According to Freeman (2007), it is often not clear when the best interests of the child prevail over other interests, such as the interests of society. Yet Article 3 is regarded as being fundamental to the other provisions in the Convention. The 'best interest' principle must be seen as both informed and constrained by the rights and the other principles provided by the Convention. Although the Convention does not define the 'best interest' concept in Article 3(1), the view of the UN Committee on the Rights of the Child concerning specific issues makes it quite clear what is considered not to be in the best interests of the child (Freeman, 2007).

The Committee monitors the fulfilment of obligations under the CRC every five years. When last monitored in 2009, as well as in 2004, the Committee was concerned that the 'best interest' principle is not always codified in legislation

affecting children and is not formalized in proceedings of the administrative arm of governments (Committee on the Rights of the Child, 2009).

Article 6 is about the right to life, survival and development of the child and is the most fundamental of all human rights of the child. The full text of Article 6 CRC states that:

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Without regard for and adequate protection and fulfilment of the rights to life, all other rights of the Convention become meaningless (Novak, 2005).

Articles specially mentioning the situation of asylum-seeking children are the Articles 22 and 39. Article 22 states that children who are seeking refugee status shall receive appropriate protection and humanitarian assistance to ensure that they fully enjoy their rights under this Convention and any other international conventions. Article 39 states that the host country should take measures so that children who are victims of torture or inhuman treatment can physically and mentally recover.

The EU explicitly stresses that children's rights and meeting children's basic needs is an integral part of its internal and external policy. As part of this policy, on 4 July 2006, the European Commission issued a document, entitled *Towards an EU Strategy on the Rights of the Child*. In this document, the Commission presents a long-term vision and strategy relating to children's rights, emphasizing the importance of compliance with the provisions of the CRC (Commission of the European Community, 2006). In 2007, the Commission presented its Green Paper on the future Common European Asylum System (CEAS). Harmonization of refugee and asylum policy and the establishment of common standards for this purpose is the main topic of this green paper. The Commission stresses that several categories of asylum-seekers are particularly vulnerable and therefore require extra care and attention. According to the Commission, the member states lack the capacities and expertise required to respond appropriately to the needs of vulnerable asylum-seekers. The Commission explicitly refers to children as belonging to this vulnerable group and asks for attention to be paid to the development of appropriate policy (Commission of the European Community, 2007). Recently, the European parliament adopted a directive about common standards and procedures in the member states for the return of third-country nationals residing illegally in their territories. Recital 22 of this directive states that in accordance with the 1989 CRC article, when executing this directive the member states must put the best interests of the child first.

It is clear that within the EU a great deal of attention has been paid to the position of children and to children's rights. This also applies to asylum policy. However, it seems that this perspective, which gives a prominent position to the CRC, has not been adequately transformed into policy in several member states,

including the Netherlands. The procedures on the application for asylum of children from families and unaccompanied asylum-seeking minors are still not harmonized in the various countries within the EU. In the past few years, the political climate has become more harsh and it seems to be more and more difficult to protect the rights of children who are seeking asylum in EU member states (Kalverboer & Zijlstra 2006b, 2006c; Kalverboer, Zijlstra & Knorth, 2008; Kalverboer et al., 2009).

5.3 | Dutch asylum policy and children's rights

The Dutch IND decides on behalf of the Secretary of Justice whether an applicant receives a residence permit or not. In examining the situation of families, the children involved in the procedure are not automatically taken into consideration.

There are different grounds formulated in the Dutch Aliens Act 2000 on which an asylum application can be granted:

- A residence permit can be granted to a refugee that complies with the description in Article 1A of the Convention on the Status of Refugees (the Geneva Convention) concerning refugees who fear prosecution on account of religion, political belief, nationality, race or social group.
- A residence permit can be granted if the applicant runs a severe risk of being tortured when returned to their country of origin (Article 3 of the European Convention on Human Rights, ECHR).
- A residence permit can be granted for urgent reasons on humanitarian grounds, if the applicant was traumatized in the country of origin.
- A residence permit can be granted if return to the country of origin would constitute an exceptional hardship considering the overall situation there.
- A residence permit can be granted to the husband, wife or the children actually belonging to the family of the applicant, if they entered the Netherlands at the same time or within a period of three months after the applicant did so.

The applicant has to set out how his application meets these criteria. If the application is successful, a residence permit is granted by the IND. If not, the applicant can lodge an appeal to the judiciary. If the judiciary agrees with the IND, a last appeal to the Administrative Division of the Council of State is possible. If the judiciary disagrees with the IND, the IND has to take the judgement of the judiciary into account. The process of application and appeal can run anywhere from six months to many years. This is because if a permit is refused on one of the grounds mentioned in the Dutch Aliens Act 2000, a new application can be made on one of the other grounds mentioned. As a result, it is highly

unpredictable how long the whole procedure will take. For children in a family this often means that when there is a final negative decision, they will have lived in the Netherlands for many years and are more or less adapted to Dutch society. The families' younger children were often born in the Netherlands.

As to EU legislation, the Netherlands has a monistic system, which means that the directives adopted by the European Parliament stressing that attention should be paid to children's rights as stated in the CRC are meant to be incorporated in the Dutch asylum system. According to the Dutch government, the CRC, including the 'best interest' principle, is applied in the asylum law and procedures. According to several NGOs, this is not the case (Defence for Children, 2006; UNICEF, 2009).

5.4 | The BIC Questionnaire

The Best Interest of the Child Questionnaire (BIC-Q) has been designed for 'environmental' diagnostics. It measures the prospects of children from asylum-seeking families in different places of residence as regards the implementation of the provisions referred to in the CRC (Kalverboer & Zijlstra, 2006b, 2006c, 2008a; Kalverboer et al., 2009). With the development and application of the BIC-Q, we have attempted to provide lawyers with a tool to include information on children's rights in the legal asylum procedure. With the BIC-Q we intend to give particular significance to the CRC key concepts 'Best interests of the child' (Art. 3[1]) and the 'Right to life and development' (Art. 6[2]). This means that it is in the child's best interests to have a healthy development into adulthood and it implies a healthy rearing environment for the child which is adapted to its developmental needs.

With the BIC-Q it is possible to describe the quality of the childrearing situation and social context in the host country and to compare it with the expected future situation in the country of origin of the child. The questionnaire encompasses a list of fourteen environmental conditions concerning family and society. If the quality of several conditions in the childrearing situation is insufficient over a longer period of time, this contributes to the vulnerability of the child (Caprara & Rutter, 1995) and frequently leads to developmental or social problems, implying that the child's best interests and rights to development could be violated. For every pedagogical environmental condition of the questionnaire, it is possible to determine which specific article of the CRC, in addition to Articles 3(1) and 6(2), might be threatened if the quality of the condition in the child's rearing situation is insufficient (Kalverboer et al., 2008, 2009).

5.5 | Assessment with the BIC-Q

Since 2005, the project specialists' team receives requests from lawyers from all over the country dealing with asylum applications and appeals. Lawyers use reports produced by the team as evidence in the legal proceedings. There are several questions lawyers usually ask the team to address:

1. What effect do the prospects of the family have on the development of the child if they are sent back to their country of origin?
2. Will the child be able to adapt to the situation in the country of origin after staying in the Netherlands for so long?
3. Are there other problems that affect the prospects of the child in the country of origin such as family, cultural or gender problems?
4. Which children's rights will be compromised should the child and its family be sent back to their country of origin?

In the case of Isatu and her aunt, her lawyer asked the team how it would affect Isatu if she had to return to Sierra Leone with her aunt or if she would have to live in a foster family in the Netherlands without her aunt.

5.5.2 *Assessment of children and families*

To answer the lawyer's questions, the team always works in twos and examines the possible presence of emotional and behavioural problems of the children involved and the availability of the pedagogical environmental conditions. The team concentrates on the assessment of developmental problems of children, the quality of the childrearing environment they grow up in related to the problems of their parents and the social circumstances. If there is a suspicion that a child or its caretaker is severely traumatized, the suggestion will be that further specialist assessment and treatment is necessary.

The assessment is based on (clinical) interviews, self-report measures and reports of treatments by the various family members (Kalverboer et al., 2009). Mostly, the children and their parents are visited in their own homes or caravans at the asylum-seekers' centres. The team members observe them and speak with parents and children together and separately. Seeing asylum-seekers in their own environment gives extra information about their lives and circumstances. When they are at ease, there is less of a need for them to put up a façade, which often gives an unsound impression of their circumstances. The children's teachers are also interviewed and the children are observed in their classroom. As many different views as possible on the children's and family's problems and their living circumstances are collected in order to arrive at a professional diagnosis. According to Stevens and Vollenberg (2005), this is the best way to overcome the problem related to different informants providing different views. In this way, all

reports on the children and their situation provided by the lawyers are gathered and supplemented by information from psychologists, psychiatrists or counsellors who have treated the children or parents (Kalverboer et al., 2009).

To collect data, Isatu and her aunt were visited at the asylum centre they lived in at the time. The team spoke with Isatu (cf. Article 12 CRC) and her aunt together and separately and asked them to complete the scales. The team wanted to hear from them, and especially from Isatu, about their current living circumstances, what they expected if they returned to their country of origin, Sierra Leone, and which decision in the asylum law procedure concerning May should in their view be taken. Isatu's school teacher was contacted to get information about her performance and behaviour at school. Information from the lawyer about the legal procedure was received together with data from Amnesty International and the Dutch Ministry of Foreign Affairs concerning the political and social situation for women in Sierra Leone.

Often concrete information about the situation in the country of origin is not available. To nevertheless obtain an idea of the situation, the team uses available sources such as official country reports and information from Amnesty International or non-governmental children's rights organizations such as Defence for Children International and UNICEF.

A professional estimation or prognosis is given based on all the collected information as input for the BIC-Q concerning the developmental prospects of a child as regards the availability of the provisions referred to in the CRC. Explicit attention is paid to the question as to how a child will be affected by being sent back to its country of origin (Kalverboer et al., 2009). Because a report based on the BIC-Q will always mention the children's and human rights that might be compromised in different situations or places of residence, lawyers can easily submit the reports in the legal procedure.

5.5.2 *Decision alternatives*

If judicial or administrative decisions concerning the developmental perspectives of the child are reached in line with the CRC, the environment that provides the child with the best opportunities for survival and development – this means the best conditions for upbringing – should be chosen (Arts. 3(1) and 6(2) CRC). In addition to this, the child's opinion should be sought and considered in the decisions to be made (Art. 12 CRC). In the decision-making procedures, children are therefore to be treated as equals (Art. 2 CRC).

Table 5.1

Expected situation of Isatu according to the BIC-Q: decision alternatives

Overview per pedagogical environmental condition		<i>Expected situation if Isatu stays in the Netherlands in a foster family and aunt May returns to Sierra Leone</i>		<i>Expected situation if a residence permit is granted to aunt May and both Isatu and aunt May stay in the Netherlands</i>		<i>Expected situation if a residence permit is refused and both Isatu and aunt May return to Sierra Leone</i>	
	<i>Is the quality of the condition sufficient?</i>	Yes/No/?	Violation of CRC provision*	Yes/No/?	Violation of CRC provision	Yes/No/?	Violation of CRC provision
Family	1. Adequate physical care	Yes		Yes		No	Art. 26, 27 CRC
	2. Safe direct physical environment	Yes		Yes		No	
	3. Affective atmosphere	?		Yes		?	
	4. Supportive, flexible childrearing structure	Yes		Yes		No	
	5. Adequate examples by parents	?		Yes		?	
	6. Interests	Yes		Yes		No	
	7. Continuity in upbringing conditions	No	Art. 9 CRC Art. 8 EHCR	Yes		No	
Society	8. Safe wider physical environment	Yes		Yes		No	Art. 37 CRC
	9. Respect	Yes		Yes		No	
	10. Social network	No		?		No	
	11. Education	Yes		Yes		No	Art. 28, 29, 31 CRC
	12. Contact with peers	Yes		Yes		No	Art. 31 CRC
	13. Adequate examples in society	Yes		Yes		No	
	14. Stability in life circumstances	No	Art. 9 CRC Art. 8 EHCR	Yes		No	

* CRC Articles. Art. 9: right to family life; Art. 26: right to medical care; Art. 27: right to sufficient living circumstances; Art. 28: right to education; Art. 29: right to suitable education; Art. 31: right to leisure time; Art. 37: right to protection against inhuman treatment.

EHCR Articles. Art. 8: right to family life.

As part of the process to fulfil these conditions, a systematic comparison has to be made between different places of residence which are relevant for consideration as decision alternatives. An example, formatted according to the BIC-Q model, is given in Table 5.1. It shows three decision alternatives that were relevant in the case of May and Isatu. The box beneath offers an explanation of the alternatives.

Decision alternatives in the case of May and Isatu

1. Permanent residence for Isatu and her aunt in the Netherlands

If her aunt were to receive permission to stay in the Netherlands, we could expect that most of the environmental conditions in the questionnaire sections Family and Society would be fulfilled. The threats to those conditions in the present situation mostly seem to be the result of the inadequate living circumstances in the asylum centre, including the insecurity, fear and stress experienced. They would gain a clear perspective of their future, an income to provide for their living, a house to live in, education for Isatu, and continuity and stability in their daily life. The fear of being removed again would disappear and the insecurity both have experienced since leaving Sierra Leone would finally come to an end. Isatu's aunt would be able to develop the 'emotional space' needed to relate to Isatu, and would be able to support her emotionally, allowing them to build a life together. Both Isatu and her aunt May need psychological help to overcome their experiences of insecurity and fear over the past years.

2. Aunt May goes back to Sierra Leone, Isatu stays in the Netherlands

If it were to be decided that May should return to Sierra Leone alone, Isatu and her aunt would be separated. May is Isatu's only care-provider following after the death of Isatu's mother five years ago. Isatu would lose her care-provider; the only person in the world she trusts and the only person who is like a mother to her. Isatu would have to live in a children's home or in a foster family. Breaking the bond between Isatu and her aunt could threaten Isatu's development (threat to conditions 3 [affective atmosphere], 7 [continuity in upbringing conditions, a future perspective] and 14 [stability in life circumstances]; threat to Article 9 and Article 8 ECHR).

3. Isatu and May both go back to Sierra Leone

Because her aunt declared that she would not return to Sierra Leone without Isatu (the b. alternative) as she had promised her sister that she would take care of Isatu, another possibility is that if she were removed from the Netherlands she would take Isatu with her. Sierra Leone is still not safe for two women without any relatives or acquaintances and without means to support themselves. Although new laws were introduced in Sierra Leone in 2006, sexual violence, gender- based violence and domestic violence occur frequently. Not much improvement is booked in the prevention of female circumcision. In trying to survive, Isatu's aunt would lack the energy and time to care for and bring up her niece. Isatu would probably have to help support the two of them and would not go to school (threat to conditions 1 [adequate physical care], 2 [safe direct physical environment], 3 [affective atmosphere], 6 [interest], 7 [continuity

upbringing conditions, a future perspective], 8 [safe wider physical environment], 10 [social network] and 11 [education]; threat to Articles 26, 27, 28 and possibly 37 CRC).

5.6 | Preliminary research

5.6.1 *Method*

The BIC questionnaire was applied to 70 families with children, most of whom had lived in asylum centres in the Netherlands for a period of at least five years. The initial selection of these families was based on the recommendations of lawyers who represented them. These professionals thought that their clients would have minimal prospects of obtaining a residence permit. At the same time, they were of the opinion that these families deserved to receive a permit because of family problems, social and political aspects, developmental problems of the children and/or unfavourable prospects in the country of origin.

After permission from the families, the specialist team visited each family in its own environment and prepared a BIC-Q-based report. The reports were included in the documents that were presented by their lawyers to support the cases. Next, after the trial, the research team received the minutes and the ultimate rulings on the cases. A content analysis was applied to these documents, focusing on four questions (see *Appendix 3* for an example of the analyses of decisions in two case studies):

- Were the reports mentioned in the minutes of the trial?
- Were the assessments of the situation of the child and its rearing environment and the social circumstances accepted as valid and reliable information?
- Were these evaluative assessments taken into account in deciding on the case?
- Did the topical CRC articles referred to in the report have an impact on the decision made by the IND?

A report consists of accounts of the children's developmental situations, the family circumstances, the social, economic and political situation plus accompanying letters.

The report provides further substantiation of the conclusions and information mentioned in the accompanying letters about the pedagogical environmental conditions present in the situation in which the child is growing up in the Netherlands and what the pedagogical environmental conditions in the child's country of origin would be. In the report, the family circumstances as well as the social, economic and political situation in the country of origin are taken into account. The point of departure is that if there is no concrete information about

the direct living conditions of the child in its country of origin, it is not in the best interests of the child's development to send it back to a situation in which it is unknown whether the child would find shelter, food and drink and can go to school. The report indicates which (further) assessment and treatment of the family members is necessary and states which articles of the CRC and ECHR might be contravened if the child has to return involuntarily to its country of origin (Kalverboer et al., 2009).

As a way of illustrating our method, we include Table 5.2. The table presents a comprehensive conclusion concerning the quality of three alternative situations for upbringing in the Isatu case. The box below the table offers further explanation.

Table 5.2

Judgement on the quality of the childrearing environment for Isatu and the CRC provisions to be violated

Expected quality of the child-rearing environment for Isatu	<i>If May returns to Sierra Leone and Isatu stays in the Netherlands</i>	<i>If both May and Isatu stay in the Netherlands</i>	<i>If both May and Isatu return to Sierra Leone</i>
Quality level to be expected	Moderate	Good	Unsatisfactory
CRC provisions that might be violated if the quality of the childrearing environment is not provided for	Art. 3.1 Art. 6.2 Art. 9 Art. 12 (Art. 8 EHRM)		Art. 3.1 Art. 6.2 Art. 12 Art. 26 Art. 27 Art. 28 Art. 29 Art. 31 Art. 37

Based on the interviews with May and Isatu, the background information supplied by the lawyer, the information about the educational performance and prospects at school given by Isatu's teacher and the information about the human rights situation in Sierra Leone, a report was written which was used by their lawyer in the procedure. The report stated that the development of Isatu as well as the prospects of her aunt were protected best if both she and her aunt were allowed to stay together in the Netherlands. Statements were based on the assessment that in the event of the residence permit for Isatu's aunt being rejected, there would be a violation of Articles 3(1), 6(2), 9, 12, 26, 27, 28, 29, 37 of the CRC and Article 8 of the ECHR.

5.6.2 Results

Welfare reports on the future prospects of children and their families were written in 70 cases and submitted as court documents in the asylum procedure. In all cases, it was recommended that the family be granted a residence permit. Figure 5.1 shows the outcome of these efforts.

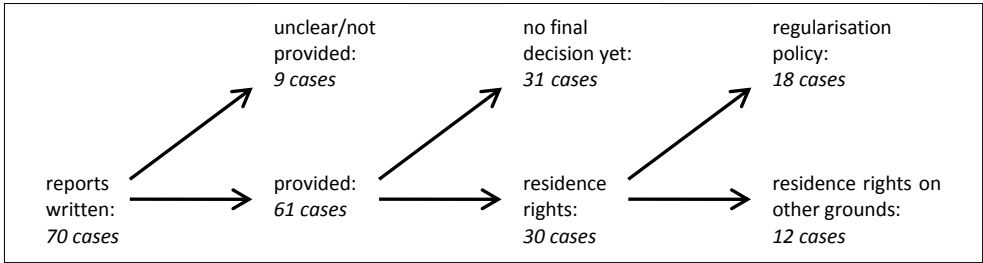


Figure 5.1
Social welfare reports and the course of the procedures in question

In 61 cases (87%), the reports were taken into account in the procedure (see Figure 5.1). These cases were repeat applications, with the report being accepted as fresh evidence, or applications in which the reports served to provide more detailed grounds in the procedure.

In 31 cases (44%), either no final decision has been made to date or the lawyers have not yet informed the team about it. Until now, in nine cases it is still not clear whether the lawyer submitted the report in the procedure, because the lawyer in question has not given the researchers this information, in spite of repeated requests.

In 30 of these cases (43%), either temporary or permanent residence was granted. In 18 of these cases, the families’ appeals were lodged under the one-off regulation of the Aliens Act. With respect to these cases, we have not yet been able to ascertain whether or how the welfare reports had any influence on the decision to grant residence rights. However, we do know that on the basis of the reports, these cases were considered eligible for a second application. For these repeated applications were *solely* based on the existence of the reports as being ‘new facts’ to consider.

In the other 12 cases, residence rights were granted on other grounds. The minutes of the internal discussions of these cases by the IND were provided on request and examined.

These documents reveal that the welfare reports were a significant factor in the decision-making process. In several cases, the reports were specifically referred to in the minutes in relation to the decision made, for example, under the heading ‘core considerations’. From the minutes of the cases in which the reports were not mentioned, it can also be deduced that the initial position taken

by the Medical Assessment Section of the IND was influenced by the welfare reports. The recurring theme in these cases is that the reports provided leverage to review the file and reconsider the claim. A striking point is that in several cases explicit references were made to the information contained in the reports without specifically referring to it. CRC provisions were not mentioned in the minutes even once, although they certainly played an important role in the reports.

Our analysis suggests that when allowing a principal's claim, the IND uses the information about the children and their developmental prospects to further substantiate their decision. In the files we studied, the information was evidently a decisive factor, for example, in establishing the presence of humanitarian reasons, a distressing situation, or even in ascertaining medical grounds.

In May 2007, the specialist team reported to the lawyer representing Isatu and her aunt that based on Articles 3(1) and 6(2) of the CRC and the other articles mentioned (Articles 9, 12, 27, 28, 29, 31 and 37 CRC and Article 8 ECHR) it would be in favour of Isatu and her aunt that May should receive permission to establish a life in the Netherlands. Such a decision would offer Isatu (also in her own view, Art. 12) the best opportunities for development and therefore would be in her best interests (Art. 3). In the same month, the lawyer started a new judicial procedure concerning Isatu's aunt and brought the welfare report into the legal procedure. In June 2009, the IND had still not decided on the case of Isatu's aunt. Isatu and her aunt still live in uncertainty. If the IND decides negatively on the case, the lawyer will take the case to a court of law for a judicial decision.

5.7 | Discussion and conclusion

All European Union member states have ratified the CRC. The European Union policy on asylum law stresses that special attention should be paid to children's rights as presented by the CRC. Still, most European Union member states consider a restrictive asylum policy to be more important than the application of the CRC. As long as there is such a huge discrepancy between the European Union policy and the policies of the different member states, the ratification of the CRC is not being taken very seriously.

The creation of the BIC-Q constitutes an attempt to give children's rights a place in Dutch asylum policy. It gives substance to the key articles of the CRC, particularly Articles 3(1) and 6(2). The questionnaire also makes it possible to decide which *particular* children's right is infringed upon if a particular pedagogical environmental condition is not met. This means that the relationships between Articles 3(1) and 6(2) and the other provisions of the convention can be clarified. Because all EU member states ratified the CRC and

are legally bound to the European Union asylum policy and law, the questionnaire can be of use in the other member states as well.

In the Netherlands, as was pointed out, it takes several years before a final decision in the Dutch asylum procedure is made. As a result, in 31 of the 61 cases analysed, information about the significance of the reports in the procedure is still missing. In 18 of the remaining 30 cases, we do not have information on the effects of the reports because these were lodged under regularisation policy. In the other 12 cases, the reports made a positive contribution to a child-friendly decision. It should be added that the articles of the CRC were not mentioned in any of the IND minutes.

The EU's view that children's rights should be included in all European areas of law is not reflected in the Dutch asylum policy. By using reports (partly) based on the BIC-Q in the European Union it is possible to compare member states' policies on children's developmental prospects and rights in asylum procedures. We think that this may contribute to harmonizing policies on children's rights in the EU.

In the Netherlands, there is much criticism from non-governmental organisations such as Defence for Children and UNICEF on how children's rights are applied in the Dutch asylum policy (Defence for Children, 2006; UNICEF / Defence for Children, 2009). When families with children apply for asylum, their interests and the interests of the government in the host country have to be weighed up. Often, the environmental conditions of these children are far better in the host country compared with those in their country of origin. As a result, if decisions in the asylum procedure were based solely on Article 3(1) of the CRC, children would almost never be returned to their country of origin. But this is not the purpose of an asylum policy. As the CRC and the restrictive asylum policy in EU member states have contradicting intentions, it is important to consider what the status of the CRC in the EU's asylum policy should be and how the different articles of the CRC should be applied.

Because applicants in the Dutch legal system may start a new procedure based on another ground found in the Aliens Act of 2000 if a residence permit is not granted, the children involved have often lived for many years in the Netherlands before a final decision is made. Most of them have adapted well to Dutch society. A return to their country of origin is, in the children's view, returning to an unknown, unsafe country. They do not consider the social cultural norms of the country of origin as their own.

With this we come to a complex aspect of our study. In all the cases the lawyers supplied us with, the team advised granting the families a residence permit. All families had been living in the Netherlands for over five years and the children were embedded in Dutch society. They had developed a Western way of life with Western beliefs, values and social norms. In most cases, severe family

problems and social or political problems in the country of origin could be expected. Some of the children had developmental problems, others had favourable prospects in the Netherlands. The professional view of the specialist team is that it is not in the best interests of children who have lived in the Netherlands for over five years and who have developed a Western identity to return to a country of origin they themselves have no memories of and to which they are not adapted.

However, to develop our method further, we would want to study cases in which it is not obvious that a residence permit is in the best interest of the child because the child is adapted to a Western society. These cases would offer an opportunity to find out under which conditions return is acceptable. Issues about family and community roles in children's development that are related to the differences in the social and cultural norms of the host and home countries would be taken into account. Nevertheless, it is questionable whether lawyers would supply the team with such cases.

We conclude that it is still worthwhile to include reports in the asylum application on the developmental interest of the child in question and on the situation regarding children's rights in its country of origin. This could influence the decision-making process with regard to the protection of rights involved in an application for residence by an asylum-seeker with a child. Similarly, it could affect the situation of an asylum-seeker who has since come of age – despite the fact that the articles in the CRC are not explicitly referred to in the IND decisions. In at least 12 of the 70 'hopeless' cases in our study, a residence permit was granted.

Abstract

Background: Asylum-seekers can be stuck in an asylum procedure for a long time. The consequence for asylum-seeking children is that for a large part of their childhood they live in great uncertainty where their future will be.

Aim: We intend to gain insight into the risk factors for development of asylum-seeking children and into consequences that a long-term asylum procedure can have on children.

Method: Using two standardized questionnaires, we determined the state of development and the current and expected childrearing environment for a group of asylum-seeking children ($N = 80$), who for more than five years have been waiting in the Netherlands for a final decision about their return to the country of origin.

Results: The asylum-seeking children in this study grow up in uncertain circumstances. Many are struggling with intrapsychic problems. Professionals' expectations concerning enforced return to the country of origin indicate that such a move is seen as threatening to a healthy development of these children and in conflict with the International Convention on the Rights of the Child (CRC). Children of 12 years and older appear to be a specific risk group.

Implications for practice: The results underline the need for an individual assessment of children in decision-making in asylum procedures on their place of residence, this in compliance with the regulations of the CRC.

This chapter is based on:

Zijlstra, A. E., Kalverboer, M. E., Post, W. J., Knorth, E. J., & Ten Brummelaar, M. D. C. (2012). *The childrearing environment and development of asylum-seeking children living for five years or more in the Netherlands: Developmental prospects?* (submitted for publication).

6.1 | Introduction

It is not uncommon that after a stay in the Netherlands of more than five years, asylum-seekers are still involved in an asylum procedure and have no final answer about where their future perspective will be (Kloosterboer, 2009; Zijlstra, Kalverboer, Post, Ten Brummelaar & Knorth, 2012). The new Aliens Act 2000 came into force to reduce long asylum procedures. A few years after this Aliens Act 2000 came into effect, asylum-seekers, who had submitted an application for a residence permit before 2000, were still involved in an asylum procedure. For this group of asylum-seekers, the Ruling for the termination of the legacy of the old Aliens Act, better known under the title of *Regulation Policy*, came into force on 15 June 2007. Under this ruling, it was determined that asylum-seekers who had submitted an asylum application in the Netherlands before 1 April 2001 should obtain a residence permit of indefinite duration. In order to be eligible for this ruling, asylum-seekers had to comply with additional requirements, such as an unbroken stay in the Netherlands. Furthermore, they should not pose any threat to public order. In spite of the new Aliens Act and the Regulation Policy, it transpired that in the current situation there are asylum-seekers who are still waiting for a definitive decision five years after arriving in the Netherlands. Other European countries are struggling with the same problems and albeit under different conditions also have a specific ruling for (illegal) asylum-seekers (Kloosterboer, 2009; Van Dali, 2003; Wade, 2011).

Long asylum procedures result in asylum-seeking children being ‘asylum-seekers’ over a long period of their childhood⁸. This begs the question of what this means for these children’s development to live for a long time as an asylum-seeker, not knowing where their future lies and possibly having to be forcibly returned to their country of origin. Kalverboer, Zijlstra and Knorth (2009) initiated steps to answer this question. On the basis of a literature study and the report of the first empirical findings on 42 asylum-seeking families staying in the Netherlands, they established that the children in these families often display severe, particularly internalizing, behavioural problems and are growing up in an environment of inadequate quality. Enforced return is a further threat to their development, due to their great vulnerability and the deprived living conditions to which they can be expected to return. It was concluded that long-term asylum procedures form a serious threat to the development of children and that this is in conflict with the CRC. Although the EU indicated that it based its policy on this Convention, in fact it forms an inadequate guideline for the asylum policy actually

⁸ Our use of the term ‘asylum-seeking children’ includes all children who, alone or with the parents/carers, request the right to asylum in an EU Member State.

implemented and the administration of justice in the Netherlands and also for other EU countries (Kalverboer et al., 2009).

Various developments in the past few years have had an influence on the current position and interests of children in an asylum procedure in the Netherlands. Thus, the rights of children have gained more importance in European politics and policy with the entry into force of the EU Charter of Fundamental Rights (CFR; 2010/c 83/02) in 2010. Article 24(2) of the Charter refers to the child's best interests as a primary consideration in all actions relating to children. This Article is very important because the EU Member States are bound by the best interests principle as set out in Article 24(2) CFR when implementing EU law. The general principles of the Charter are linked to the four general principles of the CRC. The four principles of the CRC apply to all actions affecting children: non-discrimination (Article 2); the best interests of the child (Article 3); the right of the child to survival and development (Article 6) and respect for the views of the child (Article 12). For decision-making on children in the Dutch asylum procedure, the result should be that all decisions in question have to be tested by the Dutch Agency of Immigration and Naturalisation Affairs [IND] on these stipulations concerning the best interests of the child.

In addition, there are two actual developments, which occur specifically in a Dutch context. In the first case, a discussion is taking place about asylum-seeking children becoming settled in the Netherlands. On 20 April 2010, the Dutch House of Representatives carried a motion in which the Minister for Immigration and Asylum was called upon to include in the Aliens Act 2000 and the Aliens Decree 2000 grounds for residence for asylum-seeking children, who stay longer than eight years in the Netherlands. This is because, after a long stay in the Netherlands, many of these children become 'embedded' in this country and because life with an uncertain future and/or a possible return to the country of origin after such a long period of residence in the Netherlands represents a great threat to development.

In the second place, an adaptation in the Dutch Aliens Act is worth mentioning. The adaptation concerns e.g. the inclusion of a medical advice in the 'rest and preparation period', the prolonged accelerated procedure, and the granting of a permission to stay for medical or humanitarian reasons in the same procedure. Because of this, a final decision concerning an asylum application can be taken earlier, which will avoid people having to go through legal proceedings for years or having to wait for a final decision for years (Minister of Justice, 2010).

With this follow-up report on the research of Kalverboer et al. (2009), we are aiming to gain more insight into the consequences that a long-term asylum procedure can have on the development of asylum-seeking children ($N = 80$) and we will explore the association with demographic factors and the length of time

that a family stays in the Netherlands. In this study, in addition to the research group of Kalverboer et al. (2009), use will be made of the data of 38 other asylum-seeking children. Furthermore, we will investigate the expectations of professionals regarding circumstances of childrearing and/or opportunities of development, which these children experience, whether or not they return to their country of origin. Before reporting on this, we will provide an overview of what is known from the literature about the state of development of asylum-seeking children. This will be largely based on some recent review studies.

6.2 | Asylum-seeking children: development and risks to development

Asylum-seeking children display great psychological distress. In a systematic review study, in which 14 empirical research studies were included with a total sample survey of more than 3000 asylum-seeking children, Bronstein and Montgomery (2011) indicate that psychological distress is evident in depressions, post-traumatic stress disturbances, and emotional and behavioural problems. Demographic factors, such as age, gender and country of origin prove to have a significant influence. The older the child, the more severe are the problems. Girls have severe internalizing and emotional problems and boys score higher on post-traumatic problems and behavioural problems. In addition, it transpires that asylum-related factors have an influence on the psychological welfare of children. This refers to factors such as traumatic experiences before and after fleeing (e.g., separation from parents, personal injury, life in a refugee camp, being a witness to the torture or murder of family members), the social position of the asylum-seeker and the degree of support at the time of residence in the host country (Bronstein & Montgomery, 2011). In children who are deported and (in the meantime) stay in detention centres, there are severe mental health problems; familiar aspects such as school and friends are suddenly withdrawn (Hodes, 2010). Recent research confirms the extra vulnerability of unaccompanied asylum-seeking children compared to asylum-seeking children who fled with their families (Bronstein & Montgomery, 2011; Derluyn & Broekaert, 2008; Groark et al., 2011; McCarthy & Marks, 2010).

From various studies, it transpires that asylum-seeking children lack (emotional) security. In an English study (McCarthy & Marks, 2010), children indicated that they were struggling with psychological health problems, such as headache, sleep and respiratory problems. Their greatest source of concern was focussed on the residence status and the likelihood of being forcibly returned to their country of origin. The youngsters experienced school as the most positive aspect of their life. They felt the absence of emotional support in the acculturation process (see also Wade, 2011). It is precisely such support that

could provide a safe (safer) basis for these children, in which resilience and active coping strategies are stimulated; a basis whereby there is an increased chance of successful adaptation in society (Groark et al., 2011). In another English study, supervisors of asylum-seeking children indicated that a feeling of security and 'feeling at home' were of crucial importance for the child's psychological wellbeing. This sense of safety is essential for regulating intense emotions in relation to the theme of 'loss', which is so loaded for them, as a result of the harrowing experiences of loss before, during and after fleeing (Warr, 2010; see also De Haene & Grietens, 2005).

A recent Dutch study shows that the high degree of psychosocial problems in asylum-seeking children is associated with the mental problems of the mother and with leaving one parent in the country of origin (Wiegersma et al., 2011). Mothers are important for children's emotional support in managing and processing the experiences before the flight from the country of origin and the uncertain future in the host country. Because of their own anxieties, uncertainty and feelings of guilt, however, mothers are often limited in their capacities to give their children adequate emotional support (Björnberg, 2011).

The duration of asylum-seekers' stay can be a risk factor for psychopathological problems, according to a previously published research study on Iraqi asylum-seekers (Laban et al., 2004). In a follow-up study, in which a group of asylum-seekers who had been in the Netherlands for less than six months was compared with a group of asylum-seekers who had been in the Netherlands for at least two years, it emerged that a stay of longer duration is also associated with a poorer quality of life and the experience of limitations in daily social and physical activities, and is linked to poorer physical health. Shortening the asylum procedure and improving the socio-economic circumstances, with specific attention to family-related aspects (for example, contact with other family members) and to socio-religious aspects plays a significant role in improving the quality of life and psychological health (Laban, Komproe, Gernaat & De Jong, 2008).

We conclude that asylum-seeking children's development is exposed to many risks. They are struggling with internalizing behaviour problems, have often experienced traumatic events in their country of origin or while fleeing from it and they are uncertain as to their future. It is essential to establish a safe childrearing situation in order to reduce the damage to development and to counterbalance the stagnation in development.

The international literature study above is focussed on the development and developmental situation of asylum-seeking children. In the following empirical study, we will focus on the development and developmental situation of asylum-seeking children who have been in the Netherlands for more than five years and

who are anticipating either that a residence permit will be granted or that they will have to return to their country of origin.

6.3 | Method

6.3.1 *Sample*

In order to map out the development picture and the childrearing environment of asylum-seeking children who have been living in uncertainty for a long time and are confronted with the perspective of a possible enforced return to their country of origin, we selected a research group of 80 asylum-seeking families with children, who have been in the Netherlands for more than five years. From these families, one child per family was included in the research group. Their ages varied from 0 to 21 years of age. The families are primarily from countries in Africa, the Middle East, the Caucasus and the Balkan region and have entered the Netherlands in the period between 1980 and 2005.

These are families who's, legal representative in the asylum procedure applied for consultation in the UAG expertise centre (Universitair Ambulatorium Groningen) in the period 2006 – 2011. The UAG is a centre linked to the University of Groningen that on request of the family's legal representative can provide a report on the developmental status and the childrearing situation of an asylum-seeking child, including the possible psychological consequences that an enforced return to the country of origin would have for the child. The report is based on an extensive diagnostic investigation using various methods and instruments (Kalverboer et al., 2009; Zijlstra et al., 2011). For the benefit of the present study, use was made of the data derived from the two standard questionnaires in the diagnostic research: the BIC-Q (Kalverboer & Zijlstra, 2006a) and the (extended version) VSPS (Scholte, 2000). Further details on the questionnaires are given in the section on instruments.

6.3.2 *Data collection procedure*

The diagnostic research took place according to an established specified protocol. Various sources of information were used for the research: dossier information, structured interviews with family and professionals involved, structured (psycho)diagnostic instruments and clinical observation. Fully qualified behavioural scientists (with at least a Master's degree) conducted the interviews, which took place at the family's home or at the UAG centre.

A report, written on the basis of the diagnostic research, presents a picture of the child's development, the quality of the current childrearing environment in the Netherlands and the expected quality of this in the country of origin. In addition, the report states what the situation would be in a decision to be taken

with a view to relevant provisions of the CRC. This report can be used by the family's lawyer in the asylum procedure (Kalverboer et al., 2009; Zijlstra et al., 2011).

6.3.3 Instruments

Best Interest of the Child Questionnaire (BIC-Q): An instrument that measures the current quality of a child's childrearing environment, as identified by a professional. Furthermore, an estimate can be made of the quality of an alternative childrearing environment. The inter- and intrarater reliabilities are good ($\kappa = .65$ and $.74$, respectively), and the scalability and reliability of the general scale 'quality of the childrearing environment' are also good ($H = .55$; $Rho = .94$) (Zijlstra et al., 2012).

The BIC-Q is based on the pedagogical BIC-model that includes fourteen pedagogical environmental conditions that are necessary in the childrearing environment for an optimal development of the child (Kalverboer & Zijlstra, 2006b). The answer categories for the fourteen pedagogical environmental conditions are as follows: unsatisfactory (0), moderate (1), satisfactory (2) and good (3). The BIC-Q total score 'quality of the childrearing environment' is determined by adding up the dichotomised scores of the separate fourteen pedagogical environmental conditions (the scores 0 and 1 are combined and given the value 0; the scores 2 and 3 are combined and given the value 1). A total score of 14 on the 'quality of the childrearing environment' indicates that all the pedagogical environmental conditions have a relatively high quality; a total score of 0 indicates that the quality of all conditions should be considered to be relatively low. The quality of the childrearing environment proves to be predictive of problem behaviour in asylum-seeking children: low quality predicts a high degree of internalizing behaviour problems in the child and conversely high quality predicts a low(er) degree of such behaviour (Zijlstra et al., 2012).

The results of the BIC-Q can have an added value in (judicial) decision-making situations, which are considering the choice of the future residence status of the children. In any case, when the childrearing circumstances of two or more residence environments are compared on the basis of the BIC-scores obtained, it stands to reason that those residence situations should be chosen that offer the best chances of development and/or generate the highest BIC-scores. A decision, taken on such grounds is most in line with the CRC provisions concerning the best interest of the child (Art. 3(1) CRC; Art. 24(2) CFR) and his right to development (Art. 6(2) CRC) (cf. Zijlstra et al., 2011, 2012).

The Social and Pedagogical Situation Questionnaire (abbreviation in Dutch: VSPS): A questionnaire to be filled in by professionals, with which the (problematic) situation in which children are growing up can be charted. The instrument is based on the multiple risk model (Van der Ploeg, 2007a) and is suitable for

children from the age of four onwards. In addition, there is scope for assessment of the family climate and the functioning and problems of the caregivers (Scholte, 2000). Results of the investigations into the interrater reliability of the extended version are positive (Scholte, 1993; Scholte & Douma, 1999). The internal consistency coefficients α of the various scales range from .77 to .86. The behaviour scales of the VSPS prove to correlate strongly with the corresponding behaviour scales of the Child Behavior Checklist (Scholte & Douma, 1999).

By means of the norms, based on a weighted random sample of children and adolescents from Dutch child and youth care provisions (covering the field of child and youth care, youth protection and youth mental health care; see Scholte, 2000), the results of the VSPS are presented in a 6-point scale, ranging from 0 to 5⁹.

6.3.4 Data analysis

In order to determine the state of the current and (possible) alternative childrearing environment of asylum-seeking children, we looked at the percentage in which the various pedagogical environmental conditions of the BIC-Q are of satisfactory or good quality.

Using the two sample t-test, the results of the VSPS were examined on differences between the problems of asylum-seeking children compared with those of children in child and youth care, whereby the mean of the norm group of children in child and youth care ($N = 415$) was interpreted as the mean of the reference population.

We examined two problem areas, which, according to the literature, are indicative for the research group: the internalizing behaviour problems of the children and the emotional problems of the parents (the term 'parents' also includes non-biological persons bringing up and caring for asylum-seeking children) (Bronstein & Montgomery, 2011; Wiegersma et al., 2011). We used an ANOVA design to see if there is a connection between the problems of asylum-seeking children and their parents on the one hand and demographic variables and the duration of their stay in the Netherlands (5-10 years or 10 years or longer

⁹ 0 = no risks are present on the aspect concerned; there are no problems; help or support is not necessary; 1 = risks are minimally present on the aspect concerned, there are slight problems; help or support is not yet necessary; 2 = risks are slightly to clearly present on the aspect concerned; the aspect concerned is somewhat problematic; help or support is probably necessary; 3 = risks are clearly present on the aspect concerned; the aspect concerned is problematic; help or support is definitely necessary; 4 = risks are clearly to very clearly present on the aspect concerned, the aspect concerned is a huge problem; help or support is needed urgently; 5 = risks are very clearly present on the aspect concerned; the aspect concerned is very problematic; help or support is directly needed.

in the Netherlands) on the other. In the analysis, we split the age of the child into three categories (0 - 6 years, 6 - 12 years and 12 years and older), family composition into four (two-parent family; one-parent family; foster family; other) and the country of origin into five areas (Middle East; the Balkans; the Caucasus; Africa; other). Subgroups with fewer than ten asylum-seeking children were either not included in the analysis or they were combined with another group. Confidence intervals of 95% were recorded for the significant and relevant differences between subgroups and we examined whether there is a relationship with the quality of the childrearing environment (BIC-Q) and the subgroups. In the analysis of the parents' problems, which we differentiated according to the country of origin, we excluded the cases in which asylum-seeking children are growing up in a foster family; foster parents do not usually have the same cultural background as the foster child they have taken into their family (Strijker, 2009).

6.4 | Results

6.4.1 *Current childrearing environment*

The average quality of the childrearing environment of the group of asylum-seeking children is moderate (see Table 6.1). There is a lack of continuity (7) and of stability (14) in their life and there is therefore a high degree of uncertainty about the future. The mean number of the pedagogical environmental conditions of satisfactory or good quality is 7.01 (Mdn = 6.50; SD = 4.09). Half of the asylum-seeking children have fewer than seven pedagogical environmental conditions of satisfactory or good quality. Two essential pedagogical environmental conditions relating to upbringing – 'affective climate' (3) and 'supportive, flexible childrearing structure' (4)– for half of the children in the research group are only rated as being available to a moderate or unsatisfactory degree.

When we compare the childrearing dimensions of the VSPS from the research group with the norm group of children in child and youth care, then the family problems (e.g., problems in mutual relationships) with asylum-seeking children are significantly less risky ($p \leq .001$; see Table 6.2).

With respect to the existence of problems with the parents of asylum-seeking children, emotional problems are classified as serious, and they are significantly more serious than with the parents of children in child and youth care ($p \leq .001$; see Table 6.2). Many parents of asylum-seeking children are anxious, depressed and they live in a stressful situation. They indicated in the interviews that they had no energy left for their children.

A father related that he couldn't stand his children in their mobile home and often sent them outside; at the same time he is frightened that his children will be picked up if they are outside. A mother related that she loses her temper if her children do not immediately listen to her; previously she had a lot more patience with her children.

Parents of asylum-seeking children do not display any externalizing behavioural problems. The mean scores on this scale are significantly lower than those of parents of children in child and youth care ($p \leq .001$; see Table 6.2). Parents of asylum-seeking children clearly have personal problems; in that respect they do not differ from the parents of children in child and youth care.

Table 6.1

Number of asylum-seeking children confronted with pedagogical environmental conditions that are evaluated as being 'sufficient or good': current and expected situation (N = 80)

	<i>Current situation</i>	<i>Expected situation in the Netherlands</i>	<i>Expected situation in the country of origin</i>
<i>BIC-Q</i>			
<i>Pedagogical environmental conditions</i>			
1. Adequate physical care	54 %	98 %	3 %
2. Safe direct physical environment	64 %	97 %	6 %
3. Affective atmosphere	50 %	91 %	6 %
4. Supportive, flexible childrearing structure	48 %	86 %	3 %
5. Adequate examples by parents	36 %	86 %	4 %
6. Interest	55 %	94 %	5 %
7. Continuity in upbringing conditions	15 %	89 %	8 %
8. Safe wider physical environment	83 %	99 %	6 %
9. Respect	37 %	98 %	4 %
10. Social network	70 %	91 %	5 %
11. Education	64 %	98 %	5 %
12. Contact with peers	59 %	91 %	4 %
13. Adequate examples in society	61 %	100 %	5 %
14. Stability in life circumstances	8 %	95 %	1 %

Table 6.2

Mean VSPS-scores of children in asylum-seeking families (N = 80) compared with children in Dutch child and youth care (N = 415)

	<i>Children in asylum-seeking families</i>	<i>Children in Dutch child and youth care</i>
<i>Behavioural problems</i>		
Depression	2.55 (1.47)	2.28
Anxious	2.72 (1.24)*	1.68
Social anxious	2.10 (1.47)	1.82
Hyperactive	1.52 (1.40)*	2.27
Aggressive	0.81 (1.14)*	1.82
Anti-social behaviour	0.16 (0.42)*	1.79
<i>Problems parents</i>		
Emotional problems	3.94 (1.27)*	2.99
Behavioural problems	0.68 (0.97)*	2.13
Personal problems	2.10 (1.57)	2.27
<i>Family dimension problems</i>		
Relationship parents	0.78 (1.19)*	2.46
Care provider-child relationship	0.88 (1.29)*	2.82
Family communication	1.57 (1.42)*	2.98
Behavioural support of children	1.52 (1.48)*	2.58
Upbringing climate problems	1.60 (1.56)*	2.55
<i>School dimension problems</i>		
School motivation	0.83 (0.76)*	2.13
School performances	1.16 (1.34)*	2.65
Peer relations at school	0.90 (1.14)*	2.14
Relations with the teacher(s)	0.33 (0.55)*	1.66
<i>Problems with friends, leisure time</i>		
Risk to full leisure time activities	0.93 (1.02)*	2.09
Peer relations	1.35 (1.22)*	2.36
Risk to full relations to friends	0.96 (0.71)*	2.32

* $p \leq .001$

Further analysis indicates that single parents have emotional problems to a greater degree in comparison with the situation in which both parents are present ($p \leq .05$; see Table 6.3). In addition, it transpired that single parents are less able to provide an adequate childrearing environment for their children. From the results of the BIC-Q on the quality of the childrearing environment, it turned out in fact that when children grow up with either their father or their mother, there are on average two pedagogical environmental conditions fewer of high quality, compared with the situation in which children are growing up with both parents (see Table 6.3; single parent family: $M = 5.28$, $SD = 4.28$; both parents: $M = 7.18$, $SD = 3.90$; $p = .08$; BI [-0.26, 4.07]).

Table 6.3

Mean VSPS-scores (SD) of children and parents in asylum-seeking families, specified by gender and age child, family composition, country of origin and length of stay in the Netherlands (N = 80)

	<i>Behavioural Problems Child</i>			<i>Problems Parents / Caretakers</i>		
	<i>Depression</i>	<i>Anxious behaviour</i>	<i>Socially anxious behaviour</i>	<i>Emotional problems</i>	<i>Behavioural problems</i>	<i>Personal problems</i>
<i>Age child</i>						
0-5 years(<i>n</i> = 12)	1.39 (1.13)	2.64 (1.72)	2.14 (1.74)	4.18 (0.98)	0.86 (1.43)	2.63 (1.24)
6-11 years (<i>n</i> = 30)	2.27 (1.41) a	2.74 (1.38)	1.89 (1.26)	3.83 (1.36)	0.76 (1.01)	2.06 (1.54)
12 years and older (<i>n</i> = 38)	3.16 (2.73) b	2.73 (0.96)	2.25 (1.55)	3.95 (1.30)	0.57 (0.76)	1.94 (1.70)
<i>Gender child</i>						
Boy (<i>n</i> = 44)	2.76 (1.43)	2.81(1.23)	2.23 (1.36)	4.00 (1.23)	0.76 (1.12)	2.12 (1.63)
Girl (<i>n</i> = 36)	2.30 (1.51)	2.62(1.27)	1.94 (1.60)	3.86 (1.33)	0.57 (0.74)	2.07 (1.53)
<i>Family composition</i>						
Both parents (<i>n</i> = 55)	2.46 (1.45)	2.73 (1.25)	2.08 (1.45)	3.96 (1.14)	0.66 (0.94)	2.09 (1.55)
Father or mother (<i>n</i> = 18)	2.95 (1.60)	2.83 (1.35)	2.25 (1.52)	4.56 (0.76) c	0.87 (1.14)	2.39 (1.66)
Foster parents (<i>n</i> = 5)	2.10 (1.56)	2.53 (0.38)	1.58 (1.41)	0.73 (0.64)	0.00 (0.00)	0.17 (0.29)
Other family members (<i>n</i> = 2)	2.00 (1.41)	1.40 (1.13)	1.00 (1.41)	2.85 (1.91)	0.45 (0.64)	1.65 (0.21)
<i>Country of origin *</i>						
Africa (<i>n</i> = 19)	1.64 (1.24) d	2.21 (1.32)	1.76 (1.25)	3.85 (1.10) e	0.33 (0.85) f	1.65 (1.18) g
Caucasus (<i>n</i> = 10)	3.00 (1.48)	2.66 (1.01)	2.37 (1.65)	4.13 (1.07)	1.06 (1.34)	2.00 (1.92)
Balkan region (<i>n</i> = 11)	2.73 (1.33)	3.16 (1.41)	2.30 (2.40)	4.39 (0.84)	1.00 (0.57)	3.03 (1.37)
Middle East (<i>n</i> = 27)	2.80 (1.37)	2.75 (1.09)	2.09 (1.46)	4.01 (1.21)	0.84 (1.07)	2.20 (1.72)
Other countries (<i>n</i> = 8)	3.26 (1.74)	3.09 (1.47)	2.44 (1.96)	4.30 (1.24)	0.29 (0.38)	2.46 (1.29)
<i>Duration of stay in the Netherlands</i>						
5-9 years (<i>n</i> = 59)	2.50 (1.43)	2.73 (1.30)	2.12 (1.55)	4.01 (1.30)	0.76 (1.06) h	2.32 (1.52) i
10 years or longer (<i>n</i> = 21)	2.59 (1.56)	2.62 (1.08)	2.02 (1.29)	3.70 (1.22)	0.37 (0.44)	1.40 (1.44)

* Excluding asylum-seeking children staying with a foster family ($n = 5$).

a. Relevant difference with respect to 0-5 year olds ($p = .06$; CI [-0.04, 1.79]).

b. Significant and relevant difference with respect to 0-5 year olds ($p \leq .001$; CI [0.88, 2.66]). Significant and relevant difference with respect to 6-11 year olds ($p \leq .05$; CI [2.32, 1.55]).

c. Significant difference with respect to both parents ($p \leq .05$; CI [-1.09, -0.13]; corrected for unequal variances).

d. Significant and relevant difference with respect to the Caucasus and Balkan region ($p \leq .05$; CI [-1.94, -0.30]). Significant and relevant difference with respect to the Middle East ($p \leq .05$; CI [-1.83, -0.31]).

e. Significant and relevant difference with respect to the Caucasus and Balkan region ($p \leq .05$; CI [-1.62, -0.06]).

f. Significant and relevant difference with respect to the Caucasus and Balkan region t ($p \leq .05$; CI [-1.37, -0.10]). Relevant difference with respect to the Middle East ($p = .07$; CI [-1.12, -0.04]).

g. Significant and relevant difference with respect to the Caucasus and Balkan region ($p \leq .05$; CI [-2.07, -0.11]). Relevant difference with respect to the Middle East ($p = .10$; CI [-1.65, -0.15]).

h. Significant and non- relevant difference with respect to a stay of 10 years or longer in the Netherlands ($p \leq .05$; CI [0.08, 0.80]; corrected for unequal variances).

i. Significant and relevant difference with respect to a stay of 10 years or longer in the Netherlands ($p \leq .05$; CI [0.19, 1.75]).

A striking group is that of children and their parents with an African background. With these children, depressive behaviour occurs less frequently than in children coming from the Caucasus, the Balkan region and the Middle East ($p \leq .05$; see Table 6.3). African parents are also less frequently troubled by emotional, behavioural and personal problems ($p \leq .05$; see Table 6.3). They are more able to create an adequate childrearing environment for their children; in fact, the childrearing environment turns out to have almost three pedagogical environmental conditions more of high quality, in comparison with the families from the other regions (Africa: $M = 8.87$, $SD = 4.04$; Caucasus, Balkan region and Middle East: $M = 6.12$, $SD = 3.98$; $p \leq .01$; $BI [-4.77, -0.72]$). However, it does transpire that the mean age of the children with an African background in the research group is significantly lower.

The empirical results concerning demographic variables (age, gender, family composition and country of origin) and the length of the stay in the Netherlands were linked by means of an ANOVA design to the problems which parents and children were facing (cf. VSPS). Variables in which significant differences occurred were put together in a multiple model with interaction effects. The results of the multiple model in comparison with the results of the single model are similar and do not lead to other conclusions. The interaction effects are negligible.

6.4.2 *Asylum-seeking children's state of development*

Many asylum-seeking children in our study sample struggle with internalizing behaviour problems: they are dispirited, anxious, depressive, and listless, they have psychosomatic complaints and/or they suffer from sleeping problems and nightmares (see Table 6.2). Anxious behaviour in asylum-seeking children is at a significantly higher level than in the child and youth care population ($p \leq .001$). Externalizing problem behaviour on the other hand (such as hyperactivity, aggressiveness, and/or antisocial behaviour) is not present to a great extent and we see it significantly less often than in children referred to child and youth care ($p \leq .001$). Two-thirds of the asylum-seeking children (65%; not in Table 6.2) score a 3 or higher (thus: help or support is definitely necessary) on depressed behaviour, anxious behaviour or socially anxious behaviour. Nearly one third of the children in the research group (30%, not in Table 6.2) score at least a 3 both in depressed behaviour and in anxious behaviour.

Depressive feelings in youngsters of 12 years and older are viewed as the most serious; the level of problems deviates from that in the younger group ($p \leq .05$). They are very anxious about the asylum procedure, they worry a lot and they are extremely concerned about the welfare of the other family members and about their own future. Youngsters indicated that they do not share their concerns with others. The childrearing environment for this group of children turns out to be almost two points lower than for children between the ages of six

and twelve years (6 - 12 years: $M = 8.00$, $SD = 4.14$; 12 years and older: $M = 6.08$, $SD = 3.99$; $p = .06$; $BI [-0.06, 3.90]$).

No difference was found as far as internalizing behaviour problems were concerned for asylum-seeking children who have been in the asylum procedure between five and ten years and those involved in this for ten years or longer.

6.4.3 *Protective environmental factors*

It is striking that the pedagogical environmental conditions relating to sources of help *in society* (such as social network, education and interacting with peer groups [10, 11 and 12]) are of satisfactory quality for the majority of the children. Many parents indicated in the interviews that they needed the help of people around them and that they greatly appreciated it. For the children the school has an important function.

A father told that his boss had become like a family member because over the years he had supported him so well. A mother indicated that without the help of her social worker she and her family would have ended up on the street. Children related that their school was the most important for them and that being at school, they worry less than they do at home. One girl said that she really wanted to learn and that she worried that if she had to go back to Iran, she would not be allowed to go to school. Another girl didn't want the school to organise a petition for her. At school she was like the rest of the students, a 'normal child' instead of an asylum-seeker. Various children told how they did their homework during the night because then the house was quieter and they could concentrate better.

The above findings are in keeping with the scores on the VSPS in which the problems, related to the context of school, friends and leisure time, show few risks; the mean scores are significantly lower ($p \leq .05$) than in the norm group of children in child and youth care.

6.4.4 *Future perspective*

For the group of asylum-seeking children investigated, the expected future perspective in the country of origin looks unfavourable (see Table 6.1). With respect to all the pedagogical environmental conditions, the quality of the childrearing environment is estimated in a large majority of cases to be unsatisfactory, whereby enforced return to the country of origin involves a substantial developmental risk. This is in contrast to the future perspective in the Netherlands that in the opinion of the professionals looks positive for a large majority of the children; the expected childrearing environment in other words seems to offer adequate developmental opportunities for nearly all children.

When the youngsters were asked where they saw their future perspective, they invariably indicated that they preferred to see it in the Netherlands. They

said that they feel Dutch. Examples of arguments put forward by the youngsters themselves as to why returning to the home country is not good for them include the following:

‘I don’t know the language’, ‘If I go to school there I’ll have to start all over again’, ‘It’s not safe for me and my family’, ‘Here I’m free, there I’m not’ and ‘To return would demand adjustments from me that are too much to ask’.

6.5 | Discussion

6.5.1 Findings

The quality of the current childrearing environment of asylum-seeking children who have lived in the Netherlands for more than five years with the possible prospect of enforced return to their home country is far from optimal; only half of the number of the pedagogical environmental conditions, measured by means of the BIC-Q, is of minimum satisfactory quality. The childrearing dimensions according to the VSPS give a more positive picture on upbringing. One explanation for this may be that the VSPS makes a distinction between the problems of the parents and their way of childrearing. Parents of asylum-seeking children show these childrearing skills to an adequate degree according to the VSPS data. However, the parents of asylum-seeking children are struggling with emotional and personal problems and the feelings manifested as a result of that are possibly linked with the context in which the asylum-seeking families are living. This context is characterised by anxiety, hopelessness and a lack of prospects (cf. also Dermot et al., 2008; Ehntholt & Yule, 2006; Fazel & Stein, 2002). This has an influence in assessing the pedagogical environmental conditions from the BIC-Q relating to childrearing in the family. In addition, in this study we did not investigate whether there was a difference in background between the research group of the VSPS and that of this study.

Due to emotional problems with which they are confronted, parents of asylum-seeking children are often not in a position to create a safe basis in which the children can develop in complete freedom. Children growing up in a *one-parent family* form an especially vulnerable group in this respect. These parents are struggling even more with emotional problems. A possible explanation for this might be the traumatic experiences that are often linked with the ‘coming into being’ of the one-parent family, for example the death of, or murder of, one of the parents. Also, in a number of cases, the mother has become pregnant as a result of rape. Such traumatic experiences generate severe emotional problems (Van Willigen, 2007). The death of one parent leads to instability in the family situation and to a reduction of self-assurance in childrearing of the surviving parent (Milotz, 2009).

Parents and children originating from countries in the Caucasus, the Balkans and the Middle East are struggling with a higher degree of emotional problems than parents and children coming from countries in the continent of Africa. From our data, it emerges that the mean age of the children with an African background is significantly lower than that of children coming from other regions. This could explain why African children are confronted with fewer problems. Conversely, from another study on unaccompanied minor asylum-seekers, it transpires that youngsters coming from Eritrea, Guinea and Ethiopia are struggling with problem behaviour to a greater extent than youngsters from other region (Bean, Eurelings-Bontekoe & Spinhoven, 2007).

It is more difficult to give an interpretation of why parents with an African background are confronted with fewer problems. In the first place, the continent of Africa is hugely extensive and encompasses various cultural backgrounds. In addition, it may be that African parents have experienced less traumatic events or that they have externalized these events. Further study is required into the influence of the country of origin on the problems of parents and children relating to the factors concerned above.

Growing up in childrearing environments of moderate quality in which, moreover, the parents are struggling with severe emotional problems is evidently an influence on the future perspective of asylum-seeking children in or outside the Netherlands. If the quality of the childrearing environment is of a minimal quality in the country of origin, then the enforced return of a child is not in conflict with his best interest. If, conversely, the expectation is that the quality of this childrearing environment will not offer the child adequate opportunities of development, then enforced return is not in the best interest of the child (Zijlstra et al., 2011).

From our research, it transpires that the childrearing environment after a return to the country of origin is almost always assessed as inadequate; this is in contrast to the circumstances and related development opportunities available for the child with a continued stay in the Netherlands. A decision in the asylum procedure whereby the child has to undergo an enforced return to the country of origin brings with it developmental risks and, as such, is not in line with his best interests (Zijlstra et al., 2012).

In this respect, there are interesting findings from a study into how (adult) asylum-seekers fared after returning to their country of origin (Van Houte & De Koning, 2008). What emerges is that the circumstances in which the asylum-seekers lived in the host country are predictive for a more or less successful return to the home country. Thus, the return of asylum-seekers turns out to be less successful when they have lived in a dependent position in the host country and have not been able to take direction of their lives. Living in an asylum centre,

living at the expense of the state or of charitable organisations, and the lack of a work permit are factors that do not contribute towards a positive self-worth and to a stimulation of the skills that are necessary to build up a life (once again) in the country of origin. In addition, it turns out that already existing emotional problems are linked with an unsuccessful return to the country of origin (Van Houte & De Koning, 2008). In Europe, there is an emphasis on an austere and restrictive policy relating to aliens. However, it is precisely when asylum-seekers can build up an independent life in the host country that there seems to be an increased chance of a successful return.

From empirical research and from the literature search, it turns out that asylum-seeking children are contending with *severe psychological and psychiatric problems* (Bronstein & Montgomery, 2011). Earlier findings relating to Kalverboer et al., (2009) were confirmed. As the asylum-seeking children concerned in our research have spent a large part of their life in the Netherlands (at least five years, often much longer), enforced return gives many problems (Gmelch, 1980).

Children above the age of 11 years prove, on the basis of empirical and literature research, to be a *specific risk group* (Bean et al., 2007; Nielsen et al., 2008). Identity development, which is crucial at this stage of development, is under great pressure. This emerges in a high prevalence of depressive and dismal feelings in these youngsters (see also Bronstein & Montgomery, 2011). Van der Veer (2001) indicates that developmental tasks facing Dutch adolescents are more complicated for asylum-seeking children and require extra skills. They are more complicated because they also involve extra developmental tasks that focus on dealing with and processing traumatic events, operating norms and values from two cultures and the position they have to achieve in the new society. The message that asylum-seeking children often receive (implicitly) is that they should adapt seamlessly into Dutch culture. Children gather that the more they adapt and become 'westernised', the more they fit in with life in the Netherlands, the greater the chance that they will perhaps be allowed to stay (see also De Wit, Slot & Van Aken, 2004). Enforced return of this group of children will deprive them of a development perspective with a probability bordering on certainty and will hardly ever be in the best interest of the child.

Asylum-seeking children themselves indicate that after a long stay here, they see their future in the Netherlands. They feel Dutch and have little or absolutely no connection with the culture of the country of origin. It is interesting to shed light on these findings using one of the most frequently occurring acculturation strategies in which immigrants form relationships with other groups of people in society: the *strategy of adaptation* (Berry, 1994). This strategy, partly because of the weak economic position of asylum-seekers and the small number of immigrants from the same culture is often the only alternative (Berry, 1994;

Eldering, 2006). For asylum-seeking children in the Netherlands this means that in the course of their stay they adapt to Dutch culture, form their identity in line with Dutch society and gradually seem embedded there (see also Van Houte & De Koning, 2008). The concept of embeddedness is used within the context of the Netherlands policy on aliens. However, further clarification of this concept is desirable, as it has not yet been defined.

Education and *friendships* prove to be positive factors in the life of asylum-seeking children. From research, it transpires that factors in the environment such as school, friends and the social network are often the only positive aspects in the life of these children (Hodes, 2010; McCarthy & Marks, 2010). These factors can, to a certain extent, compensate for problematic situations at home. Enforced return to the country of origin has the irrevocable consequence that these positive factors will be wiped out and the child will be thrown back on an inadequate home situation.

Finally, the relationship found between the increase of problem behaviour in children and the decline in quality of the childrearing environment (relating to the various subgroups) confirms the results of the criterion-oriented validity of the BIC-Q (Zijlstra et al., 2012).

6.5.2 *Limitations*

Our research has various limitations. In the first place, the study is focused on a specific group of asylum-seeking children of limited dimension: those who have stayed in the Netherlands for five years or longer and for whom a request has been submitted for a behavioural consultation at an expertise centre in the North Netherlands region. A study of comparison between asylum-seeking children who have stayed shorter than five years in the Netherlands and those who have been here for five years or longer would provide more insight into the consequences for development of a long-term stay in the Netherlands and will make a contribution to the generalisability of our results. As far as we know, such a research study has not yet taken place. This also applies to following the children for a longer period after they have returned to the country of origin.

In this respect, it would be desirable to find out how the children and families are faring on the basis of interviews and observational research. In the first instance, it is desirable to extend the research to children in asylum-seeking families in which no consultation has been requested.

Guidelines for making decisions in accordance with the CRC can be distilled from such research. Since the European Union commissioned the CFR, children's rights should have more weight in making these decisions. In addition, this

follow-up study could contribute to the Dutch discussion relating to what is known as ‘grounds for embeddedness’.

In this study’s research group, there are both families who have applied for a residence permit as families and families in which a number of family members already have a residence permit and a number of family member do not yet have one. In the latter situation, there is a threat of separation between parent and child. The results as presented (Table 6.3) beg the question as to whether asylum-seeking children would have a better chance of development in a foster family because foster parents seem to be faced with fewer problems and are not in any uncertainty about their own residency status. Due to the limited numbers of these subgroups, no further analysis was carried out. It certainly merits further research.

The findings in which we looked at the differences between various subgroups (age, gender, country of origin, family composition and length of stay in the Netherlands) within the research group were based on relatively small numbers. The results are thus exploratory in nature.

Earlier, Kalverboer and Zijlstra (2006a) indicated in a *memorandum* what conditions on the return of asylum-seeking children, after a period of five years or longer in the Netherlands, are in the interests of the child. This memorandum has been used by lawyers and jurists in the asylum procedure to support applications for a residence permit for asylum-seeking children who have been in the Netherlands for five years or longer. An interesting theme for further research is exactly how this memorandum has been used in the dispensation of justice and furthermore what effect this has had on decision-making.

6.5.2 *In conclusion*

The results of this study underline the need for an individual assessment of the best interests of children in decision-making in asylum procedures. Which decision gives the child the best opportunities for development: continued residence in the Netherlands or enforced return to the country of origin? Such an assessment of children who stay for a long period in the Netherlands is in compliance with the CRC.

7.1 | Introduction

The first goal of this study was to provide a theoretical foundation or conceptual model from developmental psychology and pedagogy for two important legal concepts: ‘the best interest of the child’ and ‘right to development’. Subsequently, we intended to make the central concept ‘best interest of the child’ measurable from this framework of behavioural sciences. We did this by developing a measurement instrument, the BIC-Q. In this instrument, the concept ‘best interest of the child’ is clarified from the perspective of the childrearing environment that children need in order to achieve optimal development. The instrument also provides a clarification of how the pedagogical environmental conditions to be mapped out are related to children’s rights, derived from the United Nations Convention on the Rights of the Child (CRC). In principle, through this combination the instrument gained an extra value in legal decision-making procedures in which the ‘best interest of the child’ is, or should be, a subject for consideration. In addition, it will help professionals to interpret this concept in a standardised manner.

In this chapter, we will answer the three main questions in the thesis:

1. Which concepts, relevant in pedagogy and developmental psychology, embody the legal concepts ‘best interest of the child’ and ‘right to development’, and how is the ensuing theoretical framework related to (stipulations in) the United Nations Convention on the Rights of the Child (CRC)?
2. What are the psychometric qualities and the practical value of a diagnostic instrument (the BIC-Q) based on this theoretical framework, used with asylum-seeking children when decision-making is taking place about their future residence situation?
3. What is the actual state of development of these asylum-seeking children, what is the pedagogical context in which they are growing up and what are the expectations as to their development, either in a continuation or a change in their residence situation or pedagogical context?

Section 7.2 provides the answers of the research questions. First we present the theoretical foundation on which the research is based (subsection 7.2.1, first research question). At the same time, there is a short explanation of what the instrument based on a framework of behavioural science entails, and consequently, how interests of children in (legal) decision-making can be weighed up (subsection 7.2.2). The findings relating to the psychometric and applicability-related qualities of this instrument are elucidated in the subsection 7.2.3 (second research question). Finally, subsection 7.2.4 is devoted to answering the third

research question relating to the current and expected development of asylum-seeking children in various future scenarios concerning their place of residence.

After presenting and discussing the research findings in section 7.2, we will move on to a critical reflection on the results of our research (section 7.3). In section 7.4, we will discuss the major implications for science and practice and ensuing recommendations.

7.2 | Research findings

7.2.1 *Theoretical foundation: the BIC-model*

In developing an unambiguous interpretive framework to weigh the interests of children in (legal) decision-making procedures in which the place of residence of a child is at issue, the legal concept ‘best interest of the child’ is interpreted as the interest of the *development of the child*. The above indicates the relationship between two core provisions from the CRC: Article 3 (best interests of the child) and Article 6 (right to development).

The BIC-model we designed represents the result of a literature study into the environmental factors that provide a child with (optimal) developmental opportunities. The central theory is that the point at which children’s development is first influenced lies in the *pedagogical environmental conditions* in which the child is growing up (Bronfenbrenner, 1979).

The central concept in the BIC-model is the quality of the childrearing environment in which children are growing up. This quality is made operational in fourteen pedagogical environmental conditions: (1) adequate physical care, (2) safe direct physical environment, (3) affective atmosphere, (4) supportive, flexible childrearing structure, (5) adequate examples by parent, (6) interest, (7) continuity in upbringing conditions, future perspective, (8) safe wider physical environment, (9) respect, (10) social network, (11) education, (12) contact with peers, (13) adequate examples in society, and (14) stability in life circumstances, future perspective. Where their quality is adequate, these fourteen pedagogical environmental conditions promote a favourable course of development in children. Conversely, the more inadequate their quality, the more limited the opportunities of development for the child and the greater the risk of stagnation in, or damage to, development. In addition to mapping out the empirical evidence for this set of pedagogical environmental conditions, we extensively charted which Children’s Rights from the CRC were affected by these conditions (see *Appendix 1*).

The literature search showed that, in decision-making over the question as to which context offers the child the best opportunities of development, two ‘child factors’ warrant special attention. On the one hand, there is the vulnerability and the resilience of children (Caprara & Rutter, 1995; Werner, 1996). On the other

hand, the child's own opinion about a (possible change of) residence situation is an important factor. This complies with Article 12 CRC (respect for the views of the child). By attaching value to the appraisal of what the child himself considers to be in his interest with regard to decision-making, the best interest of the child is fleshed out from both objective and subjective criteria (Eekelaar, 1994).

Support for the BIC-model is also found in the social-ecological model (Bronfenbrenner, 1979), the process model (Belsky & Vondra, 1989), the multiple risk model (Van der Ploeg, 2007a) and the model of conditions for optimal development (Bartels & Heiner, 1989). From various studies, it transpired that children's development outcomes are influenced by the reciprocal interaction between environmental factors (such as the parents and the context in which the child is growing up) and child factors (such as the child's biological and genetic factors) (Pennington, 2002; Ruijsenaars, Van den Bergh, & Schoorl, 2008). Furthermore, it transpired from research into risk factors, that it is not so much the nature, but the number of these factors that influence the outcomes of development (Asscher & Paulussen-Hoogenboom, 2005; Deković, 1999; Garbarino & Kostelny, 1996; Leseman & Hermanns, 2002; Loeber, 1997; Rutter, 1978; Sameroff & Mackenzie, 2003).

7.2.2 Operationalization: the BIC-Q

In order to be able to compare the current childrearing environment with alternatives, a measurement instrument was developed on the basis of the BIC-model: *the Best Interest of the Child Questionnaire: BIC-Q*. The BIC-model provides a theoretical concept from a framework of behavioural science in order to weigh children's interests in (legal) decision-making in which a change in the child's rearing environment is at issue. On the basis of a comparison of the quality of the childrearing environment and specifically the fourteen pedagogical environmental conditions, it can be evaluated whether there is a more or less favourable, and/or development-promoting, environment. By comparing the picture of the current childrearing environment with the expectations in this respect for one (or two) alternative upbringing context(s), it can be evaluated which environment most serves 'the best interest of the child' or contributes the most to the opportunities of development of the child, and, as a result, is in line with the main provisions of the CRC.

The instrument is applicable in various legal fields in which the interests of children are key elements. The BIC-Q can also be used in non-legal decision-making situations to test and objectify clinical assessment and to estimate whether the quality of a childrearing environment is offering the child adequate opportunities of development. In addition, it can be established on the basis of the outcomes of the BIC-Q whether further diagnostics are required.

The results of the BIC-Q can be incorporated into pedagogical *pro justitia* reports that indicate which upbringing or residence situation most serves the best interest of the child. Inclusion of these reports in legal decision-making procedures increases the chance that the interests of children will be weighed in a more objective and unambiguous manner.

The BIC-Q thus forms a valuable addition to the repertoire of diagnostic (basic) instruments within pedagogy and developmental psychology. To the best of our knowledge, it is the only instrument with which the evaluated quality of the childrearing environment is mapped out from a perspective of behavioural science that is co-framed by legal concepts and stipulations, i.e. the rights of the child.

7.2.3 Psychometric and practical qualities BIC-Q

This study investigated psychometric and practical qualities of the BIC-Q. The literature study into what a child needs from his environment for an optimal course of development underlies the BIC-model and provides underpinning of the content validity of the BIC-Q (see Chapter 2). Relative to the psychometric quality of the BIC-Q, we also examined its reliability, construct validity, criterion-related validity and practical value in decision-making (ecological validity).

The research was carried out in a sample of *asylum-seeking children* who, with their parents, had submitted an application for a residence permit in the Netherlands.

Reliability and construct validity

The results of the research into the reliability of the BIC-Q are satisfactory (see Chapter 3). The interrater and intrarater reliability of the various pedagogical environmental conditions from the BIC-Q are satisfactory. Independently the professionals assessed the fourteen pedagogical environmental conditions in the current situation and in the expected situation in the country of origin and the Netherlands largely similar. Also, this assessment was consistent over a period of two weeks.

It transpired that the fourteen pedagogical environmental conditions together provided a good estimate of quality of the childrearing environment (see Chapter 3). Research into the ‘scalability’ and reliability by means of a Mokken Scale Analysis gave good results.

In the Mokken Scale Analysis a dominance relationship (monotonicity) between responses and latent trait (quality of the childrearing environment) is assumed. This implies that the quality of the childrearing environment of a child can be estimated by the mean score on the different conditions of that child. This is in agreement with the findings of Rutter (1979) who stated that not only the kind of pedagogical environmental conditions but the accumulation of environmental conditions determines the risk of developmental damage. The

second assumption of the Mokken Scale Analysis is the non-intersection. This implies that the ordering of the conditions on the latent trait can be estimated by the ordering of the mean scores per condition. This is in agreement with Maslov's model of the hierarchy of needs which provides a perspective for the rank order of pedagogical environmental conditions (Maslov, 1970).

In our group of children the conditions 'stability in life circumstances' and 'continuity in upbringing conditions' are the most difficult conditions. Whether this ordering of conditions holds for all different groups of children is questionable. In other groups of children, for example children placed in juvenile secured treatment centre, a different ordering might be found. This is a topic for further research.

A good application of this instrument is to assess the quality of the childrearing environment with these fourteen pedagogical environmental conditions for asylum-seeking children in the current situation as well as in the expected situation (continued residence in the Netherlands or return to the country of origin). In this way different childrearing environments could be compared. In conclusion, the instrument might be a reliable tool to support decision-making.

Criterion-related validity

The quality of the childrearing environment turned out to be predictive for the development of asylum-seeking children. This relationship thus underpins the criterion-related validity of the BIC-Q (see *Chapter 4*). Specific to this study was the relationship between the quality of the childrearing environment and the internalizing behavioural problems of asylum-seeking children. It transpired that these problems are characteristic for this group (Andersson et al., 2005; Fazel & Stein, 2002, 2003; Hodes, Jagdev, Chandra & Cunliffe, 2008). The results of our study show a negative link between the quality of the childrearing environment and the risk of internalizing behaviour problems. In other words, the higher the quality of the childrearing environment, the smaller the risk of internalizing behaviour problems. In proportion to the variable 'quality of the childrearing environment', variables such as age, gender and duration of stay in the Netherlands had a negligible influence.

Our research findings are in tune with the theory of risk accumulation in which the number of risk factors has an influence on the degree of the threat to development (Asscher & Paulussen-Hoogenboom, 2005; Deković, 1999; Garbarina & Kostelny, 1996; Leseman & Hermanns, 2002; Loeber, 1997; Rutter, 1978; Sameroff & Mackenzie, 2003).

The relevance of the BIC-Q for decision-making lies in its predictive value: the risk of problem behaviour can be predicted on the basis of the estimated quality of the childrearing environment. It turned out that, to classify children correctly

as to whether or not they are struggling with internalizing behavioural problems, the optimal prediction relies on seven qualitatively high pedagogical environmental conditions. We can say that children who are growing up in a childrearing environment in which only four or fewer pedagogical environmental conditions are of high quality run an increased risk of internalizing behaviour problems. Decision-making with an outcome of letting the child grow up in this latter situation offers the child far too few development opportunities and in fact is in conflict with legal stipulations regarding the ‘best interest of the child’ as a primary consideration.

When considering which decision best serves the ‘best interest of the child’, both empirical findings and clinical judgement play a role. Using the results of our study into the criterion-related validity might be framed within the ‘actuarial approach’ of assessment (Ruijsenaars et al., 2008); in any case, by objectifying and quantifying the quality of the childrearing environment, an effort is being made to arrive at a prediction about the risk of problem behaviour. However, in addition to the quality of the childrearing environment, the professional should include the personal qualities of the child (such as vulnerability and resilience) and should integrate them into the consideration of which childrearing environment has the most to offer the child in terms of opportunities of development. This approach is in accordance with the broadly accepted *Structured Professional Model*, a method of working in which clinical opinion and actuarial method are integrated (Douglas, Ogloff & Hart, 2003; Webster, Douglas, Eaves & Hart, 1997).

Practical value

It emerges from this study that it is advisable to include reports *pro justitia* into the procedure, with a recommendation as to which decision provides the child with the best development perspective and best serves his interests (see *Chapter 6*). From our research, it emerged, in those cases in which a final decision had been taken, that this corresponded with the recommendation. However, our analysis of the work notes of the IND revealed that ‘children’s rights’ (or a reference to that perspective) were not named. Furthermore, it turned out that the pedagogical report was considered to be a ‘new fact’, as a result of which there was a possibility for families to submit a new application for a residence permit.

By including these reports, in a field of law in which children’s rights are not generally involved, children’s rights and the best interest of the child are highlighted. This is in accordance with international conventions in which it has been determined that ‘the best interest of the child’ should be of primary consideration.

7.2.4 *Development and childrearing environment of asylum-seeking children*

Development status of asylum-seeking children

From our research, it transpired that the development of asylum-seeking children is seriously threatened (see *Chapters 4, 5 and 6*). There are many internalizing behaviour problems and, more specifically, many symptoms of depression and anxiety. Children are frightened, listless, and sad, seeing their situation as hopeless and uncertain. Psychosomatic symptoms, such as insomnia, stomach pain and headaches frequently occur. These research findings confirm those of many international studies into the development of asylum-seeking children (Andersson et al., 2005; Bean et al., 2005; Bronstein & Montgomery, 2011; Fazel & Stein, 2002, 2003; Gerritsen, 2006; Hodes, Jagdev, Chandra & Cunliffe, 2008; Hodes & Tolmac, 2005; Wiese & Burhurst, 2007). An English study, for example, indicates that asylum-seeking children develop three times as many mental disturbances as 'normal' children (Fazel & Stein, 2003). Hodes (1998) points out the increased risk for refugees of developing psychopathology due to events they experienced, such as violence and wars and the losses they suffered as a result.

From our research, it transpired that, in spite of the difficult situation in which they were growing up, asylum-seeking children had good motivation for school, often achieving satisfactory to good results, and also built up friendships regardless of the fact that these often had to be disrupted because of frequent house moves. These findings correspond with studies in which it was concluded that many asylum-seeking children have quite a lot of resilience (Ehnholt & Yule, 2006; Rutter, 2003). At the same time, various studies point out the danger of asking too much of resilient children growing up in risky circumstances. These children use internalizing strategies to deal with stress (Luthar, 1991; Farber & Egeland, 1987; Parker et al., 1990).

Children in the *adolescent phase* prove to be a specific risk group. From the research results, it emerges that the internalizing behaviour problems in this group are greater in comparison with the rest of the sample. Other studies also highlight the vulnerable position of this group and then in particular the threat to identity development (Nielsen et al., 2008; Van Essen & Bala, 2007). These youngsters are growing up between two cultures and do not know in which culture their future perspective will be (Beirens, Hughes, Hek & Spicer 2007; Wiese & Burhorst, 2007). For identity development in particular, it is important that youngsters know where they belong in order to adjust their behaviour appropriately. They experience problems in the development of self-esteem as a consequence of their transcultural position, the marginal position they occupy in society, and the risks they run of being excluded from this society. These problems are intensified because of their uncertain future perspective (Beirens et al., 2007). In addition, a significant factor is that adolescents conform more readily to the culture in the host country than their parents. This frequently leads

to the parents' loss of authority. Consequently, the parents are often not in a position to give their children emotional support (Hyman, Vu & Beiser, 2000; see also Eldering & Knorth, 1998a, 1998b). In short, the risks in, and damage to, development for asylum-seeking children of 12 years and older seem to be very serious.

Childrearing environment of asylum-seeking children

Based on our research, we can conclude that the quality of the childrearing environment in which asylum-seeking children are growing up represents a threat to their development (see *Chapters 3 and 6*). In particular, they lack continuity and stability. It has also emerged that parents are struggling with acute mental problems and cannot satisfactorily provide a safe childrearing environment for their children. If we compare our findings to those from other international studies, we find the same picture broadly emerging (Dermot et al., 2008; Ehntholt & Yule, 2006; Fazel & Stein, 2002; 2003; Hjern, Angel & Jeppson, 1998; Hodes, 1998). Both in the Netherlands and in other EU countries, it transpires that there is an accumulation of risk factors in the circumstances in which asylum-seeking children are growing up (Ehntholt & Yule, 2006; Fanning & Veale, 2004; Hodes, 2000; Ingleby, 2005 Wiese & Burhorst, 2007). In fact, growing up in such risky childrearing environments implies a contravention of Article 6 CRC, which stipulates every child's 'right to development'.

Future perspective of asylum-seeking children

We can establish that for the asylum-seeking children in our research the most favourable future development perspective seems to be in the Netherlands. In the country of origin, the child has hardly any opportunities for development because the quality of the childrearing environment is assessed as being (very) inadequate. The children concerned also indicate (cf. Article 12 CRC) that they see a future perspective for themselves in the Netherlands. With an unsatisfactory quality of the childrearing environment in the country of origin, the 'best interest of the child' is thus best served by granting a residence permit in the host country.

If we single out the group of asylum-seeking children who have already lived for *five years or longer* in uncertainty as to where their future perspective is and who will possibly be compelled to return to their country of origin, then it is abundantly clear that it is certainly not in their best interest to be forced to return to their country of origin (see *Chapter 6*). These children have embedded into Dutch culture, have mastered the Dutch language and have no connection, or only a very limited one, with the country of origin. The quality of the childrearing environment is estimated to be inadequate in the country of origin and enforced return would therefore entail great risks to development.

Moreover, in the group of children who have been living in the Netherlands for five years or longer, the adolescents constitute a specific risk group. While children younger than six years old seem to be less damaged by the situation in which they (and their parents) are living, the toll on older children is much heavier. Their problems are very serious. Their best interest is served by a rapid decision-making procedure as a result of which they gain a definitive answer to the question of whether they can build up a future in the Netherlands or not. The finding that these youngsters are an exceptionally vulnerable group is supported in international literature, confirming that adolescents are especially vulnerable to risk factors which are present in their environment (Caprara & Rutter, 1995).

In conclusion, we emphasise the need for *individual testing* of the ‘best interest of the child’ concept in decision-making on asylum-seeking children and young persons. This is because there is a very real probability that a decision for enforced return to the country of origin is incompatible with the ‘best interest of the child’ after the child or adolescent has been settled in the host country for five years. Research to endorse this conclusion has not previously been carried out. What does appear in the international literature is that enforced migration after having become settled represents a serious threat to children’s development (De Haene & Grietens, 2005; UNHCR, 1993).

It also transpires from various research studies that there is a relationship between the length of the stay in the host country and the problems of asylum-seeking families (Laban, et al., 2004, 2008; Nielsen et al., 2008; Roth & Ekblad, 2006; Sack, Clarke & Seeley, 1996). For example, a Swedish study shows that, when children suffer long-lasting uncertainty about their future perspective, it nearly always leads to damage to development (Andersson et al., 2005). In addition to the long asylum procedure, an explicit connection with a lengthy stay in an asylum centre was also found (Ehnholt & Yule, 2006; Montgomery & Foldspang, 2005). In our own research, we did not find a relationship between the length of the stay in the Netherlands and the children’s problems. This could possibly be connected with the fact that the asylum-seeking families in our research group had already stayed in the Netherlands for several years.

7.3 | Critical reflections on the study

The concept ‘quality of the childrearing environment’ with which the child is offered *optimal* opportunities of development has been elaborated in this study. In order to gain insight into what a ‘normal’ childrearing environment should offer children for their development, it is necessary to study the BIC-Q on a representative research population of children in the Netherlands.

The psychometric quality of the BIC-Q was tested on the basis of a rather specific research group. In spite of the fact that the results can be seen as promising, because of some characteristics of the sample (see below) they should be interpreted with some caution. Additional extension of the research group is to be recommended, so that the psychometric quality of the BIC-Q can be further tested in order to demonstrate the *sample independence*. By doing this, one could investigate what influence, for example, the cultural background, family composition and traumatic experiences of family members might have on the measurement instrument.

There is a limited geographical distribution of the asylum-seeking families in the research group. The majority of the families stay in AZCs (Asylum centres) in the north of the Netherlands. As the Centraal Orgaan opvang Asielzoekers (Central Agency for the reception of Asylum-seekers) places and transfers families randomly over the AZCs in the Netherlands, this in itself does not pose a threat for the representativeness with regard to the total population of asylum-seeking children in the Netherlands. How the composition of the research group in fact compares with the total group of asylum-seekers who have submitted an application for asylum in the Netherlands is, however, not known. It would be interesting to gain insight into the question of whether the countries of origin, for example, are represented to the same degree in our research group as in the total group of asylum-seekers in the Netherlands. Although the sample is composed of families originating from various areas of the world (Africa, the Balkans, Caucasus and the Middle East), this analysis could not be carried out because there was a great divergence in the year in which families applied for asylum in the Netherlands.

The representativeness of the research group was possibly influenced by the fact that it was lawyers who selected the group; they put forward families at the expertise centre, the Universitair Ambulatorium Groningen (UAG), with the request to draw up pedagogical reports. There were often 'harrowing cases', in which the lawyer was of the opinion that return of the family was unacceptable. Lawyers seized the opportunity to take the 'best interest of the child' and the family's harrowing situation as a way into the procedure because from a legal point of view there were few other routes. In some cases too, volunteers involved urged lawyers to put forward families to the UAG because of their hopeless situation. This all means that relatively many harrowing cases have been included in the research groups. It is possible that this is related to the duration of the families' stay in the Netherlands. From research data, it transpires that the families have often been in the Netherlands for some years at the time of the request for pedagogical reports. There are hardly any children included in the research group who have only been in the Netherlands for a short time.

The relationship found between the quality of the childrearing environment and internalizing behavioural problems of asylum-seeking children may possibly

be influenced by the fact that the child selected from the family for the research group was the one for whom the most extensive psychological and pedagogical diagnostic information was available in the UAG dossier. It is not beyond the bounds of possibility that children for whom the fullest reports were available were also the children in the family who were struggling with the most serious problems. Further study in which all the asylum-seeking children in a family are involved should provide more insight.

In this survey, use was made of the judgement of professionals about children's development and their childrearing environment, to overcome the language barrier. After all, it is known that some of the asylum-seeking families have not mastered Dutch adequately enough to be able to fill in questionnaires. In assessing the quality of the childrearing environment, use was made of the direct information given by parents and children, complemented with observations in the family situation. Although the professionals objectified their judgement with valid and reliable instruments (VSPS and BIC-Q), the results of this research still should be viewed as representing primarily the *professional perspective*. The perspective of the parents or of the child himself is not separately involved and possibly gives rise to differences in the outcomes.

A main theme in the empirical study into psychometric validity is the relationship between the environment in which children are growing up and the developmental outcomes. However, these developmental outcomes are not only predicted by environmental factors; child factors also play an important role. Thus, one child has more resilience and another is more vulnerable. Our research does not provide a definitive answer to the question of how this 'child factor' could, or should be, incorporated in a judgement on the most advantageous childrearing environment for a child. Further research on this subject is desirable.

In this study, we found, when children's rights are inserted in the asylum procedure, there are indications that such an action seems to be of significance for the decision taken. The BIC-Q was recognised for its practical value in one area of law in which it is not customary for children's rights, specifically 'the best interest of the child', to be tested. We note in this respect that we have only investigated *whether* the 'best interest of the child' played a role in the decision-making, not *how* it was assessed. We do not know therefore whether by introducing the pedagogical reports a more unambiguous and transparent weighing of the 'best interest of the child' has taken place. What is significant is the fact that the lawyer, who does not have an independent position, has introduced the reports into the procedure. In order to examine whether the BIC-Q does lead to more transparency and clarity in the question of which decision best serves the 'best interest of the child', it is advisable to research this in a legal context, i.e. Criminal or Civil Law in which it is clear that the 'best interest of the child' actually is a consideration in the decision-making. For this, it is essential

that there is an examination of the validity and reliability of the BIC-Q in these other areas of law.

7.4 | Implications and recommendations

This study presented an instrument, the BIC-Q, which seems to be applicable in several areas of law in which decision-making is under discussion and the ‘best interest of the child’ is at issue. A first recommendation, therefore, concerns a further implementation of a research study into this instrument in all decision-making procedures in which a choice has to be made regarding the (future) upbringing or residence situation of the child. In line with this recommendation, in the meantime the Kinderrechtencollectief (Children’s Rights Collective) proposed the BIC-Q to the Committee for the Rights of the Child to uphold the General Comment on Article 3 CRC (Dutch NGO Coalition for Children’s Rights, 2011).

As the inclusion of pedagogical reports seems to have been of influence on asylum decision-making, conversely, asylum-seeking children who are without these reports (as a result of which their best interest in the procedure and decision-making is probably not discussed or not adequately discussed) are at a disadvantage. From the principle of equality of laws, therefore, it is recommended that, just as in Civil and Criminal Law, with each application for asylum in which children are involved behavioural science or pedagogical reporting should clarify the ‘best interest of the child’.

With some regularity in the media and in public opinion, ‘harrowing cases’ are highlighted of asylum-seeking children who have lived in the Netherlands for a long time. In public discussion, emotions seem to play a role, often coloured from the perspective of whether one is ‘for or against’ the arrival of (child) asylum-seekers in the Netherlands. In these situations, public discussion seems to focus particularly on ‘the best interest of the child’, specifically in relation to the proposed decision of deportation to the country of origin. It is advisable to place the execution of an objective test on compliance with the stipulations from the Children’s Rights Convention in decision-making in Immigration Law with an *independent body*, just as the Board for Child Protection carries out this test in Civil and in Criminal Law. Thus, the assessment of children’s interests would be made free from public opinion and it would take place in an appropriate environment.

The support situation of asylum-seeking children seems to offer them inadequate opportunities of development and thereby seems to be at odds with the CRC. Leads for improvement can be found in the recommendations ensuing from the research of Kalverboer and Zijlstra (2008a) and Kloosterboer (2009). The realisation of these recommendations would bring support for asylum-seeking

children more in line with children's rights and would give children better opportunities of development.

In contrast with other studies (Laban et al., 2004, 2008; Nielsen et al., 2008; Roth & Ekblad, 2006; Sack et al., 1996), in our study we found no relationship between the problems of asylum-seeking children and the length of their residence in the Netherlands. Because it clearly emerged in our study that asylum-seeking children who have lived for five years or longer in the Netherlands are struggling with severe internalizing behaviour problems, we recommend further research into the significance of rapid decision-making in asylum procedures for the development of asylum-seeking children and the quality of the childrearing environment in which they are growing up. From a civil rights perspective, it is known that a long period of uncertainty as to the future perspective is damaging for a child's development. For young children, the aim in rapid decision-making over the future perspective is a period of a few months (Choy & Schulze, 2009; Juffer, 2010; Strijker, 2009). In the practice of Civil Law, to an increasing extent, short terms are decreed for the 'out-of-home authorisation' to make every effort to provide clarity about the child's place of residence.

Furthermore we would recommend a *longitudinal study* into the development of asylum-seeking children in the Netherlands. This would provide insight into how they develop in the period of the asylum procedure and how they fare in the years after they have obtained a residence permit or after their return to the country of origin. Such a study has not yet been carried out, but would provide great insight that could be used to arrange policy regarding aliens according to the CRC. Our research indicates that for asylum-seeking children a return to the country of origin involves great risks in development because the quality of the childrearing environment there is judged to be unsatisfactory. The implication of this finding is that decision-making in which a residence permit is granted will often be in accordance with the Children's Rights Convention. In order to further support this finding, research is desired into how children fare after return to the country of origin. We know of no data concerning factors that lead to a successful return of asylum-seeking children.

Finally, in extension of the previous recommendation, it is desirable that further study is carried out into the arrangement of the policy on asylum-seekers' return in relation to the knowledge and experience of successful change processes. *Enforced* return of asylum-seeking children to the country of origin after a long period of residence in the host country is most probably damaging for their development. Investing in the motivation of asylum-seeking children and their parents to return *voluntarily* to the country of origin possibly gives a greater chance of return and of a *successful* return. There are various theories and methods available to substantiate the design of a return on a voluntary basis

(Atkinson & Ames, 2007; Miller & Rollnick, 2002; Prochaska & DiClemente, 1983).

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Appendices



APPENDIX | 1¹⁰

Overview of the Article(s) of the CRC that may be violated if a pedagogical environmental condition from the BIC-model is absent.

Relationship between the CRC and pedagogical environmental condition ‘adequate physical care’

1. Adequate physical care: Adequate physical care refers to the care for the child’s health and physical well-being by parents or care-providers. They offer the child a place to live, clothing to wear, enough food to eat and (some) personal belongings. There is a family income to provide for all this. In addition, the parents or care- providers are free of worries about providing for the child’s physical well-being.

Article 19 CRC: Protection against all forms of violence against children

Article 19 is significant in the context of the pedagogical environmental condition ‘adequate physical care’. Attention should be paid as to whether the child has sufficient food and clothing and adequate housing. The parents should take into account the degree of independence appropriate to the age of the child. Circumstances such as malnutrition, a cramped living space or a neglected outward appearance represent a possible violation of Article 19 CRC. The State should protect the child against this.

Article 20 CRC: Protection of children who cannot grow up in their own family

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

With respect to this pedagogical environmental condition, Article 20 is for instance relevant to unaccompanied minor asylum-seekers. Unaccompanied

¹⁰ This appendix is partly based on a contribution of I. Zandvliet, in: M. E. Kalverboer, & A. E. Zijlstra (2008). *Het belang van het kind in het vreemdelingenrecht. Kinderen uit asielzoekersgezinnen. Ontwikkeling, perspectief en juridische positie. Onderzoeksverslag periode 2006-2008* [The best interest of the child in immigration law. Development, perspective and juridical position. Research report period 2006-2008]. Groningen: University of Groningen.

minor asylum-seekers usually land in the Netherlands without parents or family. They are in need of special protection and support. They are not in a position to acquire living accommodation, food and clothing by themselves. The State should assume this responsibility. The State also has this responsibility towards families. On arrival, families are taken to reception centres, after which a stay in the country may ensue in the form of an asylum centre. These reception and accommodation centres should comply with the basic conditions; space provided appropriate to the size of the family, adequate beds, warmth, facilities for washing etc.

Article 24 CRC: Right to healthcare

Children have the right to the best possible health and to facilities to enable them to achieve this. Good health and correct intervention in the case of illness contribute to adequate care. The right to good health and appropriate facilities should be guaranteed and provided. If a medical emergency occurs, adequate medical care should be available.

Article 26 CRC: Social security

Article 26 CRC includes the right of the child to social security. Social security can be defined as financial support and other support from the State in the case of inability to look after oneself. Social security is directly linked to adequate care. In the case of situations such as unemployment, accident, disability and illness the person concerned is often not in a position to look after himself adequately without the support of authorities and insurances. A child also has the right to social security, either directly or indirectly through his parents. If a child is sick for a long time, has a disability or becomes disabled through an accident, he has the right to assistance so that he can receive the sufficient necessary care.

Article 27 CRC: Right to an adequate standard of living

Sufficient care requires an adequate standard of living. There are minimum basic conditions, which the child's social situation should meet if one is to refer to adequate care. The child needs a roof above his head, adequate and nutritious food, and drink, clothing and hygiene. It is the parents who have the primary responsibility to provide the living conditions, which are necessary for the child. The State has a secondary duty to provide for these living conditions and should support the parents and provide assistance in providing adequate care. If there is inadequate care in spite of the fact that parents have done everything possible within their (financial) ability, then there is a violation of Article 27 CRC.

Article 32 CRC: Protection against child labour

The definition of adequate care changes as the child grows older. The young child is dependent on his parents in all aspects of care: preparing food, feeding,

clothing, hygiene etc. As the child grows older, he achieves a greater degree of independence and the parent has more of a supporting role. Appropriate to this role and a component of adequate care is ensuring that the child does not carry out any labour at a young age, or only carries out appropriate labour at an older age. In any case, the work should not be damaging for his development, nor should the child be the object of exploitation. It is the duty of the State to ensure that the rules governing this are not violated and, if this does happen, to impose a fitting punishment or measure. If the State does not execute this duty properly then there is a violation of Article 32 CRC.

Article 33 CRC: Protection against harmful drugs

Adequate care is concern for health and physical wellbeing, which includes protection against harmful drugs. The use of harmful drugs has a bad influence on health and the production of, and trade in, drugs involves many risks. The State should take measures and guarantee that the child is not exposed to harmful drugs. If the State does not take these measures or does not adequately develop and impose them, it can result in a violation of Article 33 CRC.

Article 34 CRC: Protection against sexual abuse

Adequate care is related to the physical wellbeing appropriate to the child. Sexual exploitation and sexual abuse infringe on this physical wellbeing and cause great damage to the child's development. The State should take measures to prevent the child being exposed to forms of sexual exploitation or abuse. If the State fails to do this, it may result in a violation of Article 34 CRC.

Article 36 CRC: Protection against other forms of exploitation

In order to bring adequate care into effect, not only should there be an absence of maltreatment, child labour, sexual abuse and drug use, but also of any other forms of exploitation. In this manner, there is a guarantee that all other forms of exploitation that are damaging for any aspect of the child's wellbeing are dealt with and adequate care is achieved.

Article 37 CRC: Protection against torture, capital punishment, life imprisonment

In brief, Article 37 is the article in which the State has the obligation placed on it to protect the child against torture, capital punishment, life imprisonment and inhumane treatment. The connection with the pedagogical environmental condition 'adequate physical care' lies in the fact that if the State does not take the appropriate measures to protect the child against these punishments and treatments, the State is failing and damage is caused to the health and physical wellbeing of the child and therefore damage is caused to adequate care. In addition, a child who is deprived of his freedom must be treated humanely and with respect for his dignity, as stated in Article 37(c) CRC. If there is no healthy

and physical wellbeing during deprivation of liberty, there is no humane treatment and respect for dignity. That too represents a lack of adequate care.

Relationship between CRC and the pedagogical environmental condition ‘safe direct physical environment’

2. Safe direct physical environment: A safe physical environment offers the child physical protection. This implies the absence of physical danger in the house or neighbourhood in which the child lives. There are no toxics or other threats in the house or neighbourhood. The child is not threatened by abuse of any kind.

Article 19 CRC: Protection against all forms of child maltreatment

The article with a direct relationship to the condition ‘safe direct physical environment’ is Article 19 CRC. A safe physical environment is created when the child is in any case protected against all forms of physical or mental violence, injury or abuse, physical or mental neglect or negligent treatment, maltreatment or exploitation. In contrast to the pedagogical environmental condition, Article 19 CRC indicates who must have brought the child into an unsafe physical environment, namely the parent(s), legal guardian(s) or someone else responsible for the care of the child. We can deduce from this that it is violence within the domestic sphere, thus violence in the direct environment. A safe physical environment should, however, be guaranteed outside the home sphere, which follows from the phrase ‘anyone else who looks after the child’. Thus a safe physical environment should be also guaranteed within private or public institutions (Meuwese, Braak & Kaandorp, 2005; p.161).

Article 20 CRC: Protection of children who cannot be looked after by their own family

Children who cannot stay with their parents or who have no parents must be brought into a safe direct physical environment by other means. They need another form of care and the State should guarantee this. If a safe physical environment cannot be guaranteed within the home sphere then the child must be provided with this safety outside the family by means of placing in a foster family, kafalah of Islamic law, adoption or placing in a suitable institution for childcare.

Article 23 CRC: Special care for children with disabilities

A child who is disabled needs special protection in order to lead a full and worthwhile life. A safe physical environment can be brought about if a situation is created in which the child has the possibility of integrating into society and of developing personally. Certain countries cannot provide this particular care that

the child needs in order to live in a safe physical environment. This special care is important because without it the disabled child cannot exercise all the other rights from the CRC (Meuwese et al., 2005; p.191). If suitable care for mentally or physically disabled children in such countries cannot be implemented then the physical safety of the child is threatened.

Article 24 CRC: Right to healthcare

Treatment of the child contributes to a safe physical environment. A safe physical environment cannot be realised if healthcare is withheld from the child. The relationship between safety and health is particularly important with respect to the provision in Article 24(3) CRC: traditional customs that are damaging for the child. Particular practices, such as female circumcision, take place on large scale in certain countries. In his decision whether or not to grant a child a residence permit, a judge should take into account these damaging practices, which bring the child's direct physical environment into danger.

Article 27 CRC: Right to an adequate standard of living

A safe physical environment is closely linked to having an adequate standard of living. Children have the right to a standard of living that is adequate for the physical, psychological, intellectual, moral and social development of the child. As described in the pedagogical environmental condition 'adequate physical care', housing, food and clothing in any case are essential for an adequate standard of living. This is not only important for adequate care, but also in order to bring about a safe physical environment for the child. Children's safety is threatened whenever an adequate standard of living cannot be provided. A shortage of food, clothing, or eviction from a dwelling produces an unsafe situation for children.

Article 28, paragraph 2 CRC: Right to education

A safe physical environment should be implemented everywhere and at all times, therefore also within education. Article 28 CRC on the right to education refers to this. Paragraph 2 of Article 28 is about human dignity in punishment at school. This human dignity means that corporal punishment is forbidden, but also any indecent, degrading or coarse behaviour of the teacher towards the child (Meuwese et al., 2005; p.237). Respect for human dignity contributes to a safe physical environment.

Article 32 CRC: Protection against exploitation

A way in which the child comes to be in a safe physical environment is protection against economic exploitation, against carrying out work that is dangerous, that will impede the child's upbringing or work that is harmful for the child's health or his physical, psychological, intellectual, moral or social development. The State should protect the child against these forms of work.

Article 33 CRC: Protection against harmful drugs

The safe physical environment can be harmed in various ways. Drugs are one thing that can harm the child's direct physical environment. Article 33 CRC refers to narcotics and psychotropic substances. Furthermore, the child should be protected against working in the illegal production of, and trafficking in, these substances. Children in particular are susceptible to the harmful effects of drugs, because they are physically and mentally extra vulnerable to them (Meuwese et al., 2005; p.267). If the child is not adequately protected in this respect it represents a violation of Article 33 CRC.

Article 34 CRC: Protection against sexual abuse

Article 34 CRC is closely linked to Article 19 CRC. However, Article 19 has a wider scope since the State is not only obliged to protect children from sexual abuse, but from all forms of abuse and neglect (Meuwese et al., 2005; p.584). On the basis of Article 34 CRC, the child has the right to protection against all forms of sexual exploitation and sexual abuse. A safe physical environment cannot be achieved if the child is subject to forms of sexual abuse.

Article 36 CRC: Protection against other forms of exploitation

The exploitation of children means that a safe physical environment cannot be achieved. Various forms of exploitation that stand in the way of safety are named in Articles 32, 33 and 34 CRC. Article 36 CRC provides extra protection for the child in order to attain a safe physical environment. This article deals with all the other forms of exploitation that are damaging for any aspect of the child's wellbeing.

Article 37 CRC: Protection against torture, capital punishment, life imprisonment

Torture, capital punishment, life imprisonment and inhumane treatment are incompatible with a safe physical environment. The State should therefore avoid these threats to safety or prevent them. Arrest, detention, or imprisonment is permitted but this can bring the child's direct physical environment into danger. The CRC has therefore stipulated that these measures may only be imposed as a last resort and for the shortest possible duration. A last resort means that there is no alternative. The State should give reasons as to why there are no alternatives. Secondly, the duration of the arrest, detention or imprisonment should not be exceeded. Exceeding the term can harm the child's direct physical environment.

If a child is deprived of his liberty, he should be treated humanely and with respect for his dignity. A child deprived of his liberty should be separated from adults, unless it is in the interest of the child to place him with adults.

Relationship between CRC and the pedagogical environmental condition 'affective atmosphere'

3. Affective atmosphere: An affective atmosphere implies that the parents or care-providers of the child offer the child emotional protection, support and understanding. There are bonds of attachment between the parent(s) or care-giver(s) and the child. There is a relationship of mutual affection.

Article 9 CRC: Right to family life

For a parent to be able to provide security, support and understanding he should be with the child. A child may not be separated from his parents against his will, unless separation is in the child's best interests. If the child is living separately from the parents they can still provide an affective atmosphere. This only applies if there is the possibility of regular relationships and direct personal contact.

Article 10 CRC: Family reunification

In contrast to Article 9 CRC, which applies to domestic situations, Article 10 CRC applies to situations in which parents and child live in different countries. The article therefore refers to international situations.

In order for a parent to provide security, support and understanding, it is important that the child is with the parent. The State should make this family reunification possible. As with Article 9 CRC, Article 10 CRC indicates how important it is for the child that there are personal relationships and direct contacts between parents and child. Without this possibility, a child that lives separately from his parents experiences insufficient or no security, support and understanding of the parents and an affective atmosphere is not achieved.

Article 19 CRC: Measures against violence, neglect and abuse

It sometimes happens that the parents do not give the child any security, support or understanding. This is the case, for example, when there is child abuse. Parents should provide protection for the child against child abuse. If the parents do not succeed in protecting the child against this, the State should intervene and make sure that an affective atmosphere is achieved.

Article 20 CRC: Alternative family care

If the parents cannot provide an affective atmosphere, then the State should intervene. In the situation where the child has no family or when the child can no longer stay in his family he needs especial protection and support from the State in order to come into an affective atmosphere. Another form of care is necessary in that case. If the child does not or cannot obtain an affective atmosphere from the parents, then an affective atmosphere must be created outside the family to which the child belongs and in which the child's ethnic, religious and cultural

background and his linguistic background should be taken into consideration. A situation that complies with these requirements will provide the most security, support and understanding. A way in which a child who receives no security, support and understanding from his parents can experience this affective atmosphere once more is by being placed in a foster family, kafalah of Islamic law, or being placed in a suitable institution for child care.

Article 27 CRC: Right to an adequate standard of living

In order for parents to be able to provide their children with sufficient security, support and understanding, there must be a standard of living that is adequate for the child's physical, psychological, intellectual, moral and social development. Without an adequate standard of living, the provision of an affective atmosphere becomes very difficult. Without food, clothes and a house to live in the child will feel little security. Parents must provide this security for their child, but it is not always possible to put this into effect, for example because their financial means are not adequate. It is then up to the State to ensure that an adequate standard of living is achieved and that parents can once again provide an affective atmosphere for their children.

Article 37 CRC: Protection against torture, capital punishment and life imprisonment

The terms of an affective atmosphere cannot be met if a child is subjected to torture, capital punishment or life imprisonment. In that case there is no way that parents can provide security, support and understanding.

If a child is deprived of his liberty, it is difficult for parents to provide an affective atmosphere. Article 37, paragraph (c), CRC stipulates therefore that the child has the right to maintain contact with his family by means of correspondence and visits.

Relationship between CRC and the pedagogical environmental condition 'supportive, flexible childrearing structure'

A supportive, flexible childrearing structure encompasses several aspects like:

- enough daily routine in the child's life;
- encouragement, stimulation and instruction to the child and the requirement of realistic demands;
- rules, limits, instructions and insight into the arguments for these rules, limits and instructions;
- control of the child's behaviour;
- enough space for the child's own wishes and thoughts, enough freedom to experiment and to negotiate over what is important to the child;

- no more responsibilities than the child is capable of handling (in this way the child learns the consequences of his behaviour within the limits which the parents or care-providers have set).

Article 12 CRC: Listening to the child

In order to give the child adequate space for his own wishes and freedom, for his own initiative and experimenting, he must have the possibility of expressing his opinions freely in all matters concerning the child. On the basis of Article 12 CRC, the child's opinion should be given appropriate importance in accordance with his age and maturity.

Article 13 CRC: Freedom of expression

A supportive, flexible childrearing structure is closely related to the freedom of expression. Without freedom of expression the child cannot express his wishes and he does not have the freedom to exercise initiative and to experiment.

Article 14 CRC: Freedom of thought, conscience and religion

As in Article 12 and 13 CRC, there should also be freedom of conscience for a child to express his own wishes. In addition, in Article 14 CRC a clear reference is made to the parents. Parents provide the child with a supportive, flexible childrearing structure when they encourage, stimulate, give guidance and make realistic demands. With freedom of thought, conscience and religion, the child is also in a supportive childrearing structure when the parents guide the child in the practice of his right in a manner that is compatible with the child's developing faculties. It follows therefore that Article 14 CRC does not only state that the child should have scope for his own wishes but also indicates the role of the parents. This role, as in Article 5 CRC, involves giving instruction and guidance in order to be able to provide the child with a supportive, flexible childrearing structure (Meuwese et al., 2005; p.130).

Article 18 CRC: Joint responsibility of parents

Parents have joint responsibility for the child's upbringing and development. They should therefore ensure that the child benefits from a supportive, flexible childrearing structure. When the parents take joint responsibility for the child it gives the child a stronger feeling of security, than when a parent takes sole responsibility for the child. In the parents' primary responsibility for the child the State also has obligations. The State should provide assistance in the provision of this supportive, flexible childrearing structure. It is therefore not only the duty of the parents to support the child, but the State also has a role here whenever the parents are not successful on their own.

Article 27 CRC Right to an adequate standard of living

As in Articles 18 and 27 CRC places the primary responsibility for providing a supportive, flexible childrearing structure with the parents. In order to provide this childrearing structure, there must be a standard of living that is adequate for the physical, psychological, intellectual, moral and social development of the child. Without an adequate standard of living, it is not possible to work on setting boundaries, giving rules, providing insight in, and arguments for, the boundaries and rules laid down, supervising the child's behaviour and giving the child enough space for his own wishes and freedom to take his own initiative and to experiment, in common with the freedom to (learn to) negotiate over the structure. The State should intervene in order to help parents and others who are responsible for the child in this childrearing structure.

Article 37 CRC: Protection against torture, capital punishment and life imprisonment

A child who is deprived of his freedom cannot manage without a supportive, flexible childrearing structure. Also in this situation a child should have enough space for his own wishes. In Article 37c CRC, reference is made to treatment with humanity and with respect for the dignity of the person concerned. The needs of a person of this age should be taken into account.

Relationship between CRC and the pedagogical environmental condition 'adequate example by parents'

5. Adequate example by parents: The parents or care-providers offer the child the opportunity to incorporate their behaviour, values and cultural norms that are important, now and in the future.

Article 9 CRC: Right to family life

In order for a child to adopt behaviour, actions, standards and values of his parents he needs to live with his parents, or at least have regular personal contact with them. Article 9, paragraph 1 CRC refers to the importance of the child not being separated from his parents. Paragraph 3 stipulates that children who are separated from their parents should be able to maintain personal relationships and direct contacts with both parents on a regular basis. Only then is it possible to adopt an adequate example by parents.

However, it may be that it is not desirable to adopt the parents' behaviour and actions. In any case, this is so whenever there is abuse or neglect of the child by the parents. In that case, it is in the child's best interests to be separated from the parents.

Article 18 CRC: Joint responsibility of parents

Parents have the initial responsibility for the child's upbringing and development. This includes conveying standards and values and the child adopting the parents' behaviour and actions. The State must provide assistance to support the parents in exercising their responsibilities. Providing adequate example by parents is the responsibility of the parents and the State should only intervene if the child needs protection and the parents need advice and information about their responsibilities (Meuwese et al., 2005; p.152). In the case of inadequate management the State should provide support.

Article 19 CRC: Measures against violence, neglect and abuse

Adequate example by parents means in all cases the absence of child abuse. If parents are guilty of physical or psychological violence, injury or abuse, physical or psychological neglect or negligent treatment, abuse or exploitation, including sexual abuse then the child should be protected against this. If this is the case, children cannot adopt values and standards because of the lack of an adequate example in their life.

Article 32 CRC: Protection against exploitation

The child should not be subjected to economic exploitation and work that is dangerous for his health, education or development. The child must be protected against child labour. Parents should guard the child here as well by providing an adequate example. A child must be able to go to school and not carry out any work that is dangerous for him or that will delay his education or be harmful for his health, or his physical, psychological, intellectual, moral or social development.

Article 33 CRC: Protection against harmful drugs

A situation in which harmful drugs are present should be avoided so that a parent can instruct the child in standards and values. Illegal use of narcotic drugs and psychotropic substances should not be present.

Article 34 CRC: Protection against sexual abuse

Article 34, like the other protective Articles, 19, 32, 33 and 36 CRC, is an article that specifies what the child should be protected against. Parents should condemn sexual exploitation and sexual abuse and guard the child against this. Adequate example by parents should lead to children being free from sexual abuse and from involvement with prostitution.

Article 36 CRC: Protection against other forms of exploitation

Articles 32, 33 and 34 cited forms of exploitation against which the child should be protected. Article 36 indicates in a broader sense that whenever parents display behaviour or actions that have a link with exploitation which is harmful

for any aspect of the child's welfare, they do not function as an example for the child. The parents should inform and protect the child and prevent any form of exploitation that is damaging to the child.

Article 37 CRC: Protection against torture, capital punishment, life imprisonment

The child who is deprived of his freedom benefits if he has parents who give an adequate example. These children should be informed about the values and standards, in order to avoid the child again showing behaviour that might be a reason for detention. The child should therefore be able to maintain contact with his parents. Through their correspondence and visits, the parents are given the opportunity to provide an adequate example for their children.

Relationship between CRC and the pedagogical environmental condition 'interest'

6. Interest: The parents or care-providers show interest in the activities and interests of the child and in his perception of the world.

Article 12 CRC: Listening to the child

The child who is capable of forming his own opinion has the right to freely express that opinion in all matters concerning children; this also applies therefore within the family situation. By giving the child the scope to put forward his opinion the parent is showing an interest in the child. The child is taken seriously when he is asked for his opinion on matters concerning him. This is a way of finding out what the child wants and what matters in his perception of the world.

Article 13 CRC: Freedom of expression

Showing an interest in the child goes hand in hand with the freedom of expression granted to the child. If the child does not have freedom of expression it is not possible to discover what constitutes his perception of the world.

Article 14 CRC: Freedom of thought, conscience and religion

Giving the child freedom of thought and conscience complies with the pedagogical environmental condition 'interest'. When the parent shows an interest in the child, the child must have the freedom to express his own thoughts. By granting freedom of thought and conscience it is possible to observe the child's perception of the world.

Article 17 CRC: Access to mass media

As indicated in Article 13 CRC, freedom of expression is important in viewing the child's perception of the world. However, when the child has no access to information there is also no opportunity for him to form his own opinion (Meuwese et al., 2005; p.144). Article 17 CRC makes it possible for the child express his thoughts, opinion etc. by obtaining information.

Article 27 CRC: Right to an adequate standard of living

Article 27 recognises the child's right to a standard of living that is adequate for his physical, psychological, moral and social development. A standard of living in which it is not possible for the child to make his perception of the world clear to his parents cannot be considered to be adequate. Parents have the primary responsibility for providing those living conditions that are necessary for the child's development. Showing an interest in the child is essential in order to discover whether the child's living conditions can be considered adequate.

Relationship between CRC and the pedagogical environmental condition 'continuity in upbringing conditions, future perspective'

7. Continuity in upbringing conditions, future perspective: A parent takes care of the child and brings him up in such a way that attachment occurs. The basic trust that ensues is maintained by the availability of the parent.

Article 7 CRC: Right to a name, nationality and parents

The pedagogical environmental condition 'continuity in upbringing conditions' is directly related to Article 7 CRC. This article conveys the content of this condition. A parent can only care for and rear the child resulting in attachment if the State makes it possible for the child to get to know his parents and to be cared for by them. It imposes this positive obligation on the State to make this possible.

Article 8 CRC: Right to preservation or restoration of identity

Article 8 CRC concerns the right of the child to preserve his identity. In any case, the article indicates what is meant by identity, i.e. nationality, name and family relations as legally recognised. If the child does not know his parents and is not cared for by them, this has consequences for the child's identity (Meuwese et al., 2005; p.94). Parents contribute to the formation of the child's identity when they bring the child up and care for him as a result of which attachment occurs. Unlawful interference by the State ensues in damage to the basic trust provided by the parents.

Article 9 CRC: Right to family life

Parents can only bring up and care for the child, resulting in attachment, if they are not separated from their own child. On the basis of Article 9 CRC, the child has the right to live with his parents (Meuwese et al., 2005; p.97). It is only when there is abuse or neglect, which damages the basic trust between parents and child, that the child has to be separated from his parents.

Article 10 CRC: Family reunification

When parents and child live in separate countries there is no continuity in care, as it is impossible for the parents to bring up and care for the child. A bond of attachment does not develop and it is not possible to work at basic trust because the parents are not available. An application for family reunification should therefore be treated considerately, humanely and speedily, so that parents and child can be reunited and efforts can be made to improve basic trust for future evolution. Both Article 9 and Article 10 CRC are concerned with the unity of the family (Meuwese et al., 2005; p.409).

Article 11 CRC: Child kidnapping

Child kidnapping occurs when, contrary to the law of custody, the parent takes the child from his usual place of residence to another country, or after a temporary stay in another country does not bring him back. In that case, the parent who kidnaps the child has broken the continuity in upbringing conditions. This parent deprives the other parent of the possibility of bringing up and caring for the child. In addition, the kidnapping damages the basic trust that has been built up between the parent who was left behind and the child because this parent is suddenly no longer available. The basic trust between the parent who is abducting and the child will also be damaged because this parent has suddenly deprived the child of his other parent and of his familiar surroundings. The State should therefore prevent child abduction.

Article 16 CRC: Right to family life

On the basis of Article 16 CRC, the child should be protected against random or unlawful interference in the right to family life. From Article 16 CRC it follows that the child has the right to be with his parents (Meuwese et al., 2005; p. 141).

If the parent cannot care for and bring up the child, this ruptures family life and results in a violation of Article 16 CRC.

Article 18 CRC: Joint responsibilities of parents

Article 18 stipulates that parents have the primary responsibility concerning the upbringing of their child. The pedagogical environmental condition 'continuity in upbringing conditions, future perspective' states that the child must be cared for and brought up by the parents. This is in accordance with the stipulation in Article

18 CRC. Article 18 CRC refers to the joint responsibility of the parents. They should, therefore, care for the child together, which is also important after divorce. If the shared responsibility is still present after divorce, the basic trust between parents and child is maintained.

The State should provide the parents with support and guidance in caring for and bringing up children. It should also guarantee continuity in care.

Article 20 CRC: Alternative family care

The article that explicitly establishes the importance of continuity of care is Article 20(3) CRC. A child that temporarily or permanently cannot be looked after by the family to which he belongs has the right to special protection or assistance by the State. This care may consist of placing the child in a foster family, kafalah of Islamic law, adoption or placing in an institution for the care of children. In this alternative form of care, the desirability of continuity in upbringing should be taken into account. It follows from this article that continuity in care should also be implemented whenever the child cannot be cared for and brought up by the biological parents. The surrogate family care should be adapted to enhance continuity in the care of the child.

Article 27 CRC: Right to adequate standard of living

When there is a lack of continuity in care and parents cannot care for and bring up their children to produce attachment, this has consequences for the physical, psychological, intellectual, moral and social development of the child. The parents bear the primary responsibility for ensuring that there is an adequate standard of living. A standard of living without continuity is not adequate. For that there should be a basic trust between parent and child; the parent must be available. When it is not possible to provide the living conditions necessary for the child's development, there is discontinuity in care. Thus, eviction from the home, shortage of food, lack of clothing can damage continuity in care.

Relationship between CRC and the pedagogical environmental condition 'safe wider physical environment'

8. Safe wider physical environment: The neighbourhood the child grows up in is safe, as well as the society the child lives in. Criminality, (civil) wars, natural disasters, infectious diseases etc. do not threaten the development of the child.

The condition of a safe physical environment should be complied with both within the family situation and in society. This pedagogical environmental condition is therefore dealt with twice. The difference lies in the direct and the wider environment of the child. The difference made in pedagogy is that the safe

direct physical environment and the safe *wider* physical environment are less visible as concerns the obligations of the State regarding these conditions. In a pedagogical sense, there is a difference in the obligation placed on the parents to provide a safe direct physical environment and in addition on society to provide a safe wider physical environment. The CRC, however, does not place any obligation on the parents, but does describe the parents' responsibilities. Ultimately, it is the State that must give support and should meet its obligations if there is to be no violation of the CRC. Whether it is the parents or society that cannot meet the pedagogical environmental condition, there is violation of the CRC purely on the basis of neglect by the State.

In dealing with the pedagogical environmental condition 'safe wider physical environment', therefore, there is much overlap with the pedagogical environmental condition 'safe direct physical environment' and reference will then be made to the pedagogical environmental condition 'safe direct physical environment'.

Article 19 CRC: Protection against all forms of child abuse

See the pedagogical environmental condition 'safe direct physical environment' and Article 19 CRC. The fact that a safe direct physical environment should also be guaranteed outside the family circle is apparent from the phrase 'anyone else who looks after the child' in Article 19 CRC. Thus, also within private and public institutions a safe physical environment should be created (Meuwese et al., 2005; p.161).

Article 23 CRC: Right of a disabled child to a dignified and reasonable life

See the pedagogical environmental condition 'safe direct physical environment' and Article 23 CRC. The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 24 CRC: Right to healthcare

See the pedagogical environmental condition 'safe direct physical environment' and Article 24 CRC. The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 27 CRC: Right to an adequate standard of living

See the pedagogical environmental condition 'safe direct physical environment' and Article 27 CRC. The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 28, paragraph 2 CRC: Right to education

A safe direct physical environment should be implemented everywhere and at all times, therefore also within education. Article 28 CRC, on the right to education, refers to this matter. Article 28 (2) concerns human dignity in discipline in schools. This human dignity means that corporal punishment is banned but also improper, degrading and coarse behaviour of the teacher with regard to the child (Meuwese et al., 2005; p.237). Respect for human dignity contributes to a safe direct physical environment.

Article 32 CRC: Protection against exploitation

See the pedagogical environmental condition 'safe direct physical environment' and Article 32 CRC.

The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 33 CRC: Protection against harmful drugs

See the pedagogical environmental condition 'safe direct physical environment' and Article 33 CRC. The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 34 CRC: Protection against sexual abuse

See the pedagogical environmental condition 'safe direct physical environment' and Article 34 CRC.

The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 35 CRC: Preventing child trafficking

See the pedagogical environmental condition 'safe direct physical environment' and Article 35 CRC.

The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 36 CRC: Protection against other forms of exploitation

See the pedagogical environmental condition 'safe direct physical environment' and Article 36 CRC. The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 37 CRC: Protection against torture, capital punishment, life imprisonment

See the pedagogical environmental condition ‘safe direct physical environment’ and Article 37 CRC.

The State should not only take action if a safe direct physical environment cannot be implemented within the family situation, but also when it cannot be guaranteed by society.

Article 38 CRC: Protection of children in armed combat

The pedagogical environmental condition ‘safe wider physical environment’, among other things, is about the absence of wars. An article that is directly related to war and children’s role in it is Article 38 CRC. This article states that children under the age of 15 may not take part directly in hostilities, be included in or assigned to the armed forces. The Netherlands has signed the optional protocol to this article. This optional protocol puts the age limit at which youngsters may take part directly in acts of war and be conscripted not at fifteen but at eighteen years of age (Meuwese et al., 2005; p.612). This means that the Netherlands is committed to not allowing any child to take part in hostilities. In this way, a safe wider physical environment must be guaranteed for all children.

In order to provide children who are involved in armed conflict with a safe wider physical environment, Article 38, paragraph 4 places the obligation on the State to provide protection and care for these children.

Article 39 CRC: Special care for child victims

A child who is a victim of neglect, exploitation or abuse; torture or another form of cruel, inhumane or degrading treatment or punishment; or armed conflicts must be brought into a safe wider physical environment. These children need special care.

This care should promote physical and psychological recovery and reintegration into society. This aim can only be achieved if the child is in a situation in which there is a safe wider environment. According to Article 39 CRC, this safe wider physical environment consists of an environment that is beneficial for the health, the self-respect and the dignity of the child. It follows that the State should provide a safe physical environment to give child victims special protection. The lack of a safe wider physical environment constitutes a violation of Article 39 CRC.

Relationship between CRC and the pedagogical environmental condition ‘respect’

9. *Respect*: The needs, wishes, feelings and desires of the child are taken seriously by the child’s environment and the society the child lives in. There is no discrimination because of background, race or religion.

Article 2 CRC: Non-discrimination

For there to be respect for a child there should be an absence of discrimination. Discrimination on whatever grounds, irrespective of race, skin colour, gender, language, religion, political or other conviction, national, ethnic or social origin, wellbeing, disability, birth or other circumstances of the child, does not ensure that the child's needs, wishes, feeling and desires are taken seriously.

By giving the child, who falls under the jurisdiction of the contracting State, all the rights stated in the CRC, discrimination is counteracted and respect is shown for the child (Meuwese et al., 2005; p.49).

Article 5 CRC: Parental guidance

Parents have the right and the duty to give the child appropriate direction and guidance in exercising the rights in the CRC. There is no respect for the needs, feelings, desires and wishes if this direction and guidance is missing. The developing capacities of the child should be taken into account.

The article does not only address the parents, but also family members in a broader sense or the community, legal guardians or others who are legally responsible for the child.

In a broader sense, the child should be respected.

Article 8 CRC: Right to preservation or recovery of identity

Article 8 CRC is about respecting the right to preserve one's own identity. This means that there must be respect for the child as a human being (Meuwese et al., 2005; p.92). The needs, wishes, feelings and desires of a child form the child's identity. If this is not respected it ensues in a limitation of the right to preserve one's own identity.

Article 9 CRC: Separation from parents and the right to contact

In procedures relating to the separation between parent and child, the child should be given the opportunity to express his opinion. Article 9(2) CRC refers to 'interested parties'. In procedures relating to separation between parent and child, the child is an interested party and his needs, wishes, desires and feelings should also be taken into account. There is a clear link here with Article 12 CRC, in which children's right to be heard is stipulated (Meuwese et al., 2005; p.98).

Article 12 CRC: Children's right to be heard

Article 12 CRC is an article that was written in order to establish children's involvement, to advance children's participation and thereby to meet with the needs, wishes, feelings and desires of the child. On the basis of this article, the child is given the opportunity of expressing his opinion freely in all matters concerning the child. Article 12 does not specify any particular age, but there is a reference to the age and maturity of the child. This means that young children

can also be heard (Meuwese et al., 2005; p.117). In all legal and administrative procedures concerning the child, he should be heard. There is no respect for the child if his opinion is disregarded in procedures concerning the child.

Article 13 CRC: Freedom of expression

By granting the child the right to express his opinion freely, the child is respected. In this manner he can make his needs, wishes, feelings and desires known. There may be limitations on the freedom of expression, but only when provided by law and when the restriction is necessary for the respect of the reputation of others or in protection of national security, public order, public health or public decency. Article 13 CRC is one of the participation rights in the CRC. The child is a person holding legal rights, who should be taken seriously in his needs, desires, wishes and feelings.

Article 14 CRC: Freedom of thought, conscience and religion

Taking the child's needs, wishes, feelings and desires seriously is closely linked with the freedom of thought, conscience and religion. If the child's needs, wishes, feelings and desires are not taken seriously it signifies an indirect restriction of his freedom of thought. The second paragraph of Article 14 CRC makes it clear that parents and the State should have respect for the child. The parents should direct and guide the child in the exercise of the right of freedom of thought, conscience and religion. Through direction and guidance, respect is shown for the child. If this direction and guidance is not present, the conclusion can be drawn that the wishes, feelings, needs and desires of the child have not been taken seriously.

Article 15 CRC: Freedom of association and assembly

That the child's needs, wishes, feelings and desires are actually taken seriously is proven from the right of freedom of association and assembly that is granted to the child. This right makes it possible for children to share their wishes, feelings, desires and needs with other children and devote themselves to a common goal that meets a communal need.

By meetings, associations and demonstrations children are offered the opportunity to let their voice be heard and in that way preserve the needs, desires, wishes and feelings not only for themselves, but also to make them known to the outside world.

Article 16 CRC: Right to privacy

The right to privacy is laid down in Article 16 CRC. The right to privacy is called the right to inviolability (Meuwese et al., 2005; p.140). The needs, wishes, feelings and desires constitute a part of the child's private life. If this is not taken seriously and if there is random or unlawful interference in this private life, it leads to a violation of Article 16 CRC.

Article 17 CRC: Right to information and access to mass media

By means of access to information, the child is given the possibility of finding out what are his own needs, wishes, feelings and desires. Only then can these be taken seriously. Article 17 CRC makes a specific reference to the needs of children who belong to a minority group or who are indigenous. Paragraph (d) indicates that the needs in the area of language of a child who belongs to a minority group or who is indigenous should be taken into account. A direct link can be made with Article 30 CRC. Both articles indicate that respect should be shown to this group of children.

Article 23 CRC: Children with disabilities

The needs, wishes, feelings and desires of a child with a mental or physical disability will differ radically from those of a child without disabilities. Article 23 CRC therefore refers to special needs. Disabled children need special care and assistance. This special care is essential in order for the disabled child to lead a full and decent life. In order to take the needs, wishes, feelings and desires of a disabled child seriously, assistance must be given appropriate to the condition of the child. By means of this assistance, the child should have access to education, training, health and rehabilitation facilities, preparation for employment and recreational opportunities.

Respect for children with a mental or physical disability should contribute to these children achieving the fullest possible integration in society and in their personal development.

Article 30 CRC: Children from minority groups

Article 30 CRC is about children from minority groups. Their wishes, needs, feelings and desires should also be taken seriously. They should be able to experience their own culture, practice their own religion and speak their own language. Along with Articles 2 and 14 CRC, Article 30 CRC provides extra protection for the child who belongs to a minority group. In terms of culture and of religion, the needs and wishes of these children are different. In cases where this diversity is not taken seriously there is a lack of respect for the children from minority groups, which entails a violation of Article 30 CRC.

Article 37 CRC: Protection against torture, capital punishment, life imprisonment

Respect for the child obtains in all situations, also when the child is deprived of his liberty. On the basis of Article 37(c), CRC, the child must be treated with humanity and respect for his inherent dignity. There is a direct reference to the needs of the child. In the case in which a child is deprived of his liberty, the needs of a person of his age should be taken into account. A specific summary of these needs can be read in the actual article. For example, there is reference to the

contact between parents and child, the importance of juridical and other assistance, the right to challenge the legality of the deprivation of his liberty and the right to be separated from adults. There is no respect shown for a child deprived of his liberty if these needs are not safeguarded.

Article 40 CRC: Juvenile justice

According to Article 40(1) CRC, every child that is alleged, accused of, or sentenced because of, committing a penal offence should have the right to be treated in a manner that does not damage the child's sense of dignity and worth.

The article lists a number of safeguards to ensure that the sense of dignity and worth are not damaged:

- The action for which the child is prosecuted must have been punishable at the time the action was committed
- The child should be presumed innocent until proven guilty
- The child should be informed immediately of the accusation
- The child has the right to legal aid
- The child should be treated fairly without delay and by a competent, independent and impartial authority or judicial body
- A child cannot be forced to give testimony or confess guilt
- A child has the right to appeal to a higher judicial body
- A child has the right to the free assistance of an interpreter if he does not speak the language used
- The child's private life should be protected

Further obligations are imposed on the state, whereby the needs, wishes, feelings and desires of the child are taken seriously. If this does not occur in penal law it entails a violation of Article 40 CRC.

Relationship between CRC and the pedagogical environmental condition 'social network'

10. Social network: The child and his family have various sources of support in their environment upon which they can depend.

Article 20 CRC: Protection of children who cannot grow up in their own families

Not all children have parents who can function as a source of support. Children without parents, or children who cannot stay with their parents, should have special protection and assistance from the State. One way of providing a child without a family with sources of support is by placing him in a foster family, adoption, kafalah of Islamic law or placing him in an institution for the care of children.

Article 27 CRC: Right to an adequate standard of living

The parents are the most direct source of support for the child when it comes to ensuring the living conditions that are necessary for the child's development. The parents have the primary responsibility to provide this. If, in spite of the necessary efforts, the parents do not succeed in ensuring an adequate standard of living, then the State should provide this support.

Article 31 CRC: Leisure, culture and recreation

In addition to parents, family, legal persons responsible and other persons who care for the child, his peers and friends are essential sources of support for the child. Play and recreation with other children is necessary for the child to relax in his leisure time.

Relationship between CRC and the pedagogical environmental condition 'education'

11. Education: The child receives a suitable education and has the opportunity to develop his personality and talents (e.g. sport or music).

Article 28 CRC: Right to education

An article directly related to the pedagogical environmental condition 'education' is Article 28 CRC. The right to education is of essential importance for the child's development (Meuwese et al., 2005; p.237). Illegal aliens also have the right to education. Illegal aliens in the Netherlands are also bound by the Compulsory Education Act and via the Linkage Act they have the right, until they are eighteen, of starting a course of training. If they begin a course of training just before their eighteenth birthday, they are then allowed to complete the course, in spite of the fact that in the meantime they have reached the age of majority (Meuwese et al., 2005; p.243).

Article 29 CRC: Goals of education

The article closely connected with Article 28 CRC is Article 29 CRC. It lists the goals of education. It also includes the right to freedom of education (paragraph 2).

The pedagogical environmental condition 'education' does not only refer to schooling and taking courses, but also to the development of talents. Every child should be given the opportunity to develop his talents. This is in accordance with paragraph 1, sub section (a) of Article 29 CRC.

Article 31 CRC: Leisure, culture and recreation

Schooling and education are not the only means of giving a child the opportunity to develop his talents. The provision of rest, leisure, the possibility of participation in play and recreational activities and free participation in cultural and artistic life also contribute to this end. It is not just a question of having enough time to develop these talents, but also of having enough scope (Meuwese et al., 2005; p.258).

Both education and the possibility for play and recreation are necessary for the child's development. They are also mutually stimulating. Education provides the child with the possibility to develop talents, while play and recreation provide a positive influence when it comes to receiving education as the child is granted rest and time for himself.

Article 32 CRC: ban on child labour

If a child is obliged to work and as a result cannot take part in any education, Article 32 CRC is not being honoured. The child will then not have the opportunity of developing his talents. Article 32 refers to appropriate regulations of work times and employment conditions. There should be time for education and the development of talents.

According to the English version of the CRC, unlike the Dutch version, there is no ban on carrying out work that is harmful to the child's education, but there is a ban on work that would impede the possibility of receiving education. This shows that education is essential for children.

Article 12 CRC: Children's right to be heard

On the basis of Article 12 CRC, the child has the right to form his opinion and the right to express that opinion freely in all matters concerning the child. In decisions about education the child should be heard, as this is a matter concerning the child himself. Appropriate importance should be attached to the child's opinion, taking into account his age and maturity.

Article 12, like Articles 13, 14, 15 and 17 CRC, is a right of participation. Education should provide the scope for these different forms of participation within the educational system. With relation to Article 12 CRC, the student council is an example of a possibility for a child to express his opinion within education.

Article 13 CRC: Freedom of expression

The possibility of developing talents as a child can only be implemented if the child has the freedom to do this. The link between developing talents and Article 13 CRC rests particularly on the freedom of expression in the form of art or by means of other media. Children working in these areas can develop their talents because they are offered freedom of expression. If no opportunity is provided for

the development of talents then freedom of expression is indirectly affected. In education, the right of freedom of expression should be safeguarded.

Article 14 CRC: Freedom of religion

The pedagogical environmental condition 'education' also has a link with the freedom of religion. Thus the child has the freedom to choose his own school. For example, a child cannot be obliged to go to a public school or to enrol in a religiously-oriented school. Obligation to be educated in a particular school is in conflict with the freedom of religion. The right to freedom of religion should be safeguarded in education.

Article 15 CRC: Freedom of association and assembly

The pedagogical environmental condition 'education' should provide scope for freedom of association and assembly. A student organisation is a good example in which the direct link between education and freedom of association and assembly is expressed. Also when considering the possibility of developing talents, the right to freedom of association and assembly is essential. This right should be safeguarded in education.

Article 17 CRC: Right to information and access to mass media

Education should play a role in ensuring that children are informed about the rights in the CRC. Without this information, the child is otherwise unaware of the rights that he can exercise (Meuwese et al., 2005; p.145). Education gives children access to information and mass media. Without education, Article 17 CRC would be violated. Good information is essential for children and education can offer this information (Meuwese et al., 2005; p.144).

Education should promote social, mental and moral welfare and the physical and psychological health of the child.

Relationship between CRC and the pedagogical environmental condition 'contact with peers'

12. Contact with peers: The child has opportunities to have contacts with other children in various situations suitable to his perception of the world and developmental age.

Article 31 CRC: Leisure, culture and recreation

The article that is closely related to this pedagogical environmental condition is Article 31 CRC. This article recognises the right to rest and leisure and the possibility of playing and taking part in recreational activities. The article also

refers to the developmental level of the child. The possibilities of play and recreation should in fact be appropriate to the child's age.

Relationship between CRC and the pedagogical environmental condition 'adequate examples in society'

13. Adequate examples in society: The child comes into contact with other children and adults whose behaviour, actions, values and standards he can adopt, which are important to him at present and in the future.

In pedagogy, just as a distinction is made between the creation of a safe physical environment within the family situation and in society, this distinction is also made when considering adequate examples in society. Both the parents and society should display adequate examples in society. Ultimately, it is a question of the obligations of the State to safeguard adequate examples in society. Because the adequate example by parents in relation to the CRC has already been discussed and several articles are in accordance with articles concerning the relationship between adequate examples in society and the CRC, in this overlap reference is made to the pedagogical environmental condition 'adequate example by parents' and the article concerned.

Article 17 CRC: Right to information and access to mass media

The media should have an exemplary function as far as children are concerned. Thus, they should draw up appropriate guidelines to protect the child against information and material that are harmful to his welfare. The media should inform the child about those subjects that promote his social, mental and moral welfare and/or his physical and mental health. Behaviour and actions in the media can influence a child in a negative manner if social, mental and moral welfare is damaged. In that case, the child does not have adequate examples in society.

By enlightening the child, informing him about the rights that he has he learns about standards and values in society. Access to information is important in order to fulfil this pedagogical environmental condition.

Article 19 CRC: Measures against violence, neglect and abuse

See the pedagogical environmental condition 'adequate example by parents' and Article 19 CRC. This article indicates explicitly that the child should be protected both by the parents and by other persons in society, such as staff of private or public institutions, schools and childcare centres. Both the parents and society should be an example to the child and denounce violence, neglect and abuse.

Article 31 CRC: Right to relaxation

The child adopts patterns of behaviour and actions from various people: from his parents, the media, teachers, but also from friends. Through interaction with his peer group, the child learns behaviour and actions that can be important for him in the future. Article 31 CRC therefore recognises the right to rest and leisure, to participation in play and recreational activities appropriate to the child and to free participation in cultural and artistic life. The opportunity for play and recreation offers the child the prospect of adopting adequate example of behaviour from his peer group and to find out what are his own standards and values.

Article 32 CRC: Protection against child labour

See the pedagogical environmental condition 'adequate example by parents' and Article 32 CRC. The State should not only take action against inadequate behaviour of the parent(s) in the case of child labour, but also if child labour takes place outside the family situation.

Article 33 CRC: Protection against harmful drugs

See the pedagogical environmental condition 'adequate example by parents' and Article 33 CRC. The State should not only take action against inadequate behaviour of the parent(s) with drugs and against children being involved in the sale of drugs, but also if illegal drug use and sale of drugs take place outside the family situation.

Article 34 CRC: Protection against sexual abuse

See the pedagogical environmental condition 'adequate example by parents' and Article 34 CRC. The State should not only take action against inadequate behaviour of the parent(s) in the case of sexual abuse and sexual exploitation, but also if sexual exploitation and sexual abuse occurs outside the family situation.

Article 36 CRC: Protection against other forms of exploitation

See the pedagogical environmental condition 'adequate example by parents' and Article 36 CRC. The State should not only take action against inadequate behaviour of the parent(s) in the case of other forms of exploitation, but also if other forms of exploitation occur outside the family situation.

Article 37 CRC: Protection against torture, capital punishment and life imprisonment

See the pedagogical environmental condition 'adequate example by parents' and Article 37 CRC. The State should not only take action against the inadequate behaviour of the parent(s) in the case of torture or other cruel, inhumane or

degrading treatments or punishments, but also if torture or other cruel, inhumane or degrading treatments or punishments occur outside the family situation.

Relationship between CRC and the pedagogical environmental condition ‘stability in life circumstances, future perspective’

14. Stability in life circumstances, future perspective: The environment does not change suddenly and unexpectedly. Expected changes are announced in advance and are comprehensible to the child. Persons with whom the child can identify and sources of support are constantly available to the child, as well as the possibility of developing relationships by means of a common language.

Article 8 CRC: Right to preserve or recover identity

To ensure stability in life circumstances it is important that the persons with whom the child can identify and sources of support are constant. Frequently, the parents/family members are the persons with whom the child can identify and his sources of support. If these persons with whom the child identifies and the sources of support are absent, it represents a violation of Article 8 CRC. On the basis of Article 8 CRC, in fact, the right of the child to preserve his family relations must be recognised. If the State in a random or unlawful manner interferes in this right, the situation for the child often changes suddenly and the child has little understanding of the changes occurring. Stability in life circumstances should therefore go hand in hand with the preservation of family relationships.

Article 9 CRC: Right to family life

Stability in life circumstances is breached if the child is separated against his will from his parents, unless separation is in the best interests of the child. Separation between parents and child means that persons with whom to identify and sources of support suddenly disappear.

In the case of separation between parents and child there should be a possibility to maintain relationships by means of a common language. On the basis of Article 9(3) CRC, the child is granted the right to maintain personal relations and direct contact. In this manner, stability in life circumstances can also be achieved when parents and child do not live together.

Article 10 CRC: Family reunification

In order to realise stability in life circumstances, parents and child should be together. Sometimes, parents live in a different country from their child. The sources of support and persons with whom to identify that the child needs are not then available. Just as with the right to family life, it is important that the

child can have personal relationships and direct contact with the parents. In order for the State to fulfil the pedagogical environmental condition 'stability in life circumstances, future perspective', applications for family reunification should be treated with humanity, kindness and speed.

Article 11 CRC: International kidnapping

International kidnapping takes place when children are illegally taken abroad and not returned. Parents, family members or others frequently carry out kidnapping (Meuwese et al., 2005; p.111). Stability in the child's living conditions is threatened when kidnapping takes place. The child's environment changes suddenly and the changes occurring are often not comprehensible to the child. The child is taken to a country that is unknown to him and is taken away from his parent(s). Persons with whom he can identify and sources of support disappear because the child has been taken from his familiar surroundings and family and friends will not be there in the country to which he has been brought. The child ends up in a country where he does not know the environment, language, culture or the people. Furthermore, there is no possibility of developing relationships through a common language.

The State should ensure stability of living conditions by combating or preventing kidnapping.

Article 20 CRC: Alternative family care

A child who, temporarily or permanently, has to be without the family, to which he belongs, has the right to special protection and assistance. As a rule, there is no stability in the living conditions of these children. Persons with whom to identify and sources of support are often hardly ever present. It is then up to the State to ensure that these children get a stable life again.

The children who, temporarily or permanently, have to be without the family to which they belong, get another form of care, e.g., by placing in a foster family, kafalah of Islamic law, adoption or placing in a suitable institution for the care of children. This changes the child's environment. It is then essential that this environment does not change suddenly and unexpectedly and that any changes are comprehensible to the child. In Article 20(3) CRC, there are a number of elements named that can be seen as requirements to safeguard stability in life circumstances. Thus, in weighing up solutions, the State should appropriately take into account the desirability of continuity in the upbringing of the child and the child's ethnic, religious and cultural and linguistic background. By taking into account continuity in child rearing, changes that take place can effectively be made comprehensible to the child and will not take place suddenly. The fact that the State has the obligation to take into account the child's linguistic background means that when placing the child in a foster family, adoption or in an institution

for the care of children, he must also have the opportunity to build up relationships through the medium of a common language.

Article 27 CRC: Right to an adequate standard of living

Stability in life circumstances is closely related to the right to an adequate standard of living. Article 27(2) CRC states that parents have the primary responsibility to provide living conditions that are necessary for the child's development. In order to ensure that there is stability in the living conditions, the child will have to have a standard of living, which is adequate for his physical, psychological, intellectual, moral and social development. Parents must exercise this responsibility according to their means and within the limits of their financial possibilities. The State has a secondary responsibility, which consists of providing programmes for material assistance and offering support particularly in terms of nutrition, clothing and housing.

Where there is a lack of food, clothing or decent housing etc., there is no stability in life circumstances.

Article 30 CRC: Minorities

On the basis of Article 30 CRC, children of minority groups are granted the right to experience their own culture, to practice their own religion and to be able to speak their own language. A direct link can be drawn here with the pedagogical environmental condition 'stability in life circumstances, future perspective'. This article ensures that children from minority groups are able to develop relationship with others by means of a common language in order to safeguard stability in life circumstances. The child from a minority group has his own language, culture and religion. The possibility of being able to exercise these in a country in which they belong to a minority contributes to a certain degree of stability.

Article 37 CRC: Protection against torture, capital punishment, life imprisonment

According to Article 37(b) CRC, arrest, detention or imprisonment of a child must take place in accordance with the law and should only be used as a measure of last resort and for the shortest appropriate period of time. Detention and imprisonment are severe measures for a child. The law therefore employs the safeguards named in paragraph (b). They may only be used as a measure of last resort. In that case, the child may not be detained for an unnecessarily long period of time, as in that case, stability could not be guaranteed.

If a child is deprived of his liberty, the State should ensure that during this period of deprivation of liberty the child can still enjoy stable living conditions. During this deprivation of liberty, the child has the right to maintain contact with his parents by means of correspondence and visits. In this way, the persons with

whom the child can identify and the sources of support are present in the child's life.

APPENDIX | 2 The Best Interest of the Child - Questionnaire (BIC-Q)

Judgement based on the BIC-Q	Expectation situation X	Expectation situation Y
Is positive development of the child to be expected?	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Insufficient
Possible violation of CRC Articles:	<input type="radio"/> Art. 3 <input type="radio"/> Art. 6 <input type="radio"/> Art. 12 <input type="radio"/> Art..... <input type="radio"/> Art.....	<input type="radio"/> Art. 3 <input type="radio"/> Art. 6 <input type="radio"/> Art. 12 <input type="radio"/> Art..... <input type="radio"/> Art.....

Overview conditions		Current situation		Expected situation X		Expected situation Y	
		CO*	CRC	CO*	CRC*	CO*	CRC*
Family	Adequate physical care						
	Safe direct physical environment						
	Affective atmosphere						
	Supportive, flexible childrearing structure						
	Adequate examples by parents						
	Interest						
	<i>Continuity in upbringing conditions, future perspective</i>						
Society	Safe wider physical environment						
	Respect						
	Social network						
	Education						
	Contact with peers						
	Adequate examples in society						
	<i>Stability in life circumstances, future perspective</i>						

CC*= Quality of the Condition: good (4); satisfactory (3); moderate (2); unsatisfactory (1)

CRC*= Violation of CRC Articles: numbers

Family: current situation Physical wellbeing 1. Adequate physical care			
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	Current Situation	Expected Situation X	Expected Situation Y
1. Are the child's basic necessities of life provided for?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition Adequate physical care	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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2. Safe direct physical environment			
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	Current Situation	Expected Situation X	Expected Situation Y
2. Is the child's direct physical environment safe?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art... <input type="radio"/> Art....
Quality of the condition Safe direct physical environment	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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Family: current situation Care and upbringing 3. Affective atmosphere			
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	Current Situation	Expected Situation X	Expected Situation Y
3. Is supplied for an affective atmosphere?	yes / no / ?	yes / no / ?	yes /no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition Affective atmosphere	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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4. Supportive, flexible childrearing structure			
	Current Situation	Expected Situation X	Expected Situation Y
4. Is there enough daily routine in the child's life?	yes / no / ?	yes / no / ?	yes / no / ?
5. Is there enough control of the child's behaviour by its parents?	yes / no / ?	yes / no / ?	yes / no / ?
6. Is there enough space for the child's wishes and thoughts, enough freedom to experiment and to negotiate over what is important to the child?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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5. Adequate examples by parents			
	Current Situation	Expected Situation X	Expected Situation Y
7. Do the parents offer the child the opportunity to incorporate their behaviour, values and cultural norms which are important, now and in the future?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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6. Interest			
	Current Situation	Expected Situation X	Expected Situation Y
8. Do the parents show interest in the activities and interests of the child and its perception of the world?	yes / no / ?	yes / no / ?	yes / no / ?
9. Is the child given the opportunity for activities of his/her liking?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Interest

Illustration:

Family: future and past

7. Continuity in upbringing conditions, a future perspective

	Current Situation	Expected Situation X	Expected Situation Y
10. Are the child's basic necessities of life provided for?	yes / no / ?	yes / no / ?	yes / no / ?
11. Does the child have contact with significant persons from its past?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good	<input type="radio"/> Good	<input type="radio"/> Good
Continuity in upbringing conditions	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

Societal conditions: current situation

8. Safe wider physical environment

	Current Situation	Expected Situation X	Expected Situation Y
12. Is the wider living environment the child is growing up in safe?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good	<input type="radio"/> Good	<input type="radio"/> Good
Safe wider physical environment	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

9. Respect

	Current Situation	Expected Situation X	Expected Situation Y
13. Is the child treated equally to other children in society?	yes / no / ?	yes / no / ?	yes / no / ?
14. Are the wishes, feelings and desires of the child taken seriously?	yes / no / ?	yes / no / ?	yes / no / ?
15. Is the personal integrity of the child respected?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good	<input type="radio"/> Good	<input type="radio"/> Good
Respect	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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10. Social network			
	Current Situation	Expected Situation X	Expected Situation Y
16. Does the child (and his family) have a supportive social network he can count on?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition Social network	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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11. Education			
	Current Situation	Expected Situation X	Expected Situation Y
17. Does the child receive a suitable education?	yes / no / ?	yes / no / ?	yes / no / ?
18. Does the child have the opportunity to develop his or her talents?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition Education	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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12. Contact with peers			
	Current Situation	Expected Situation X	Expected Situation Y
19. Does the child have the opportunity to have contact with other children in various situations?	yes / no / ?	yes / no / ?	yes / no / ?
20. If so, do these contacts have a positive influence on the child?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. .. <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. <input type="radio"/> Art. <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art...
Quality of the condition Contact with peers	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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13. Adequate examples in society

	Current Situation	Expected Situation X	Expected Situation Y
21. Is the child in contact with children and adults who are role models for current and future behaviour?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art.... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

Illustration:

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Society: future and past

14. Stability in life circumstances, future perspective

	Current Situation	Expected Situation X	Expected Situation Y
22. Is there stability and continuity in the life circumstances of the child such as in family life, school, leisure time and social support?	yes / no / ?	yes / no / ?	yes / no / ?
23. Is the child hindered in its functioning by experiences in the past?	yes / no / ?	yes / no / ?	yes / no / ?
24. Is stability and continuity in the child's life to be expected and does the child have a perspective on the future?	yes / no / ?	yes / no / ?	yes / no / ?
Possible violation of specific CRC Articles	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....	<input type="radio"/> Art. ... <input type="radio"/> Art.... <input type="radio"/> Art....
Quality of the condition	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory	<input type="radio"/> Good <input type="radio"/> Satisfactory <input type="radio"/> Moderate <input type="radio"/> Unsatisfactory

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APPENDIX | 3

Analyses of decisions in two case studies

Case 1: Man, woman and nine-year-old daughter from Bosnia*Course of the procedure*

The first asylum application was submitted in February 1999 and refused in June 2000. The appeal was dismissed in November 2004. In April 2005, a repeat application was submitted. In October 2006, the district court of Assen upheld the appeal (not published). A permit was granted by virtue of Article 29.1, heading and paragraph b, of the Aliens Act. The undated minutes provide no information as to the date on which the permit was granted or the grounds on which the woman and daughter were granted a permit.

Welfare report

The reports written by professionals treating the father were used to document the social welfare report. The welfare report refers to these reports, indicating that the father has very severe post-traumatic stress symptoms, is suicidal and is a threat to the development of his daughter. The mother has to protect her from the father. The father cannot be treated in The Netherlands so long as there is no certainty as to his residence permit, which is a considerable source of stress for the family. Treatment in the country of origin is impossible; the father cannot return to the place where he was traumatized. The report indicates that the best interests of the child are served only by entitlement to residence in The Netherlands. Reference is made to the core Articles 3 and 5 of the Convention on the Rights of the Child and also to Articles 24, 26, 27, 28 and 31.

Minutes

In the minutes the following is to be found under 'Main reasons for upholding the appeal': 'The respondent could not have disregarded the Medical Assessment Section (BMA) in connection with the assessment of this aggravated medical condition and the information provided by the five treating professionals. Therefore Article 4(6) of the General Administrative Law Act was applied wrongly. The aggravated situation should be regarded as fresh evidence'. (...) 'The file includes an extensive report about the daughter of the individuals in question, written by the Faculty of Behavioural and Social Sciences of the University of Groningen. Her development is seriously impeded by her father's medical condition (...)'. 'The ultimate ruling is that the psychological situation of the people in question can be regarded as life-threatening, and there is a real threat that the individual in question may end up in a position which contravenes Article 3 ECHR'.

Conclusion

The welfare report is mentioned in the minutes under the heading 'Core grounds for upholding the appeal'. This implies that the report was an important factor in granting the father residence rights. Ultimately, the residence permit was granted by virtue of Article 29(1), heading and paragraph b, of the Aliens Act. No attention was paid to the provisions of the Convention on the Rights of the Child referred to in the report. The report provided support in regard to granting the father the permit. The child received a derivative permit.

Case 2: Unaccompanied minor alien from Sierra Leone, now of age*Course of the procedure*

The first procedure began in April 2002. According to the policy regarding unaccompanied minor aliens, the individual in question was eligible for reception. She failed to make her identity, nationality and age plausible, and her claim was refused. A repeat application was submitted in November 2006. She was called to be heard. The BMA indicated that the individual in question could not be heard and that she had to be referred to specialists. A BMA inquiry was set up. Ultimately (in November 2007), the IND asked her to agree not to be heard. Residence rights were granted by virtue of Article 29(1), heading and paragraph b, of the Aliens Act.

Welfare report

The social welfare report was added as the primary schedule in the registration of the second procedure. It states that the individual in question cannot be heard because she functions at the level of a three to six-year-old. She is therefore unable to give a plausible account of her flight. It also mentions that she is suffering from a chronic post-traumatic stress disorder and had been admitted to a psychiatric ward at the time of the inquiry. The report also discusses her medical condition. The details about this are taken from the relevant documents in the case file. The fact that the woman is intellectually disabled is mentioned for the first time in the welfare report.

Minutes

It can be concluded from the minutes that the BMA's report is partly based on the welfare report. It refers to an intellectual disability, the level of a child of three to five or six years of age. This had not been mentioned before. Regarding the credibility of the account, the minutes state: 'In the first procedure there were doubts as to the origins of the individual in question; but in view of the medical condition of this individual, including the fact that she has the intellectual capacity of a 3 to 5/6-year-old, it is questionable whether she can provide

relevant information; therefore the benefit of the doubt [will apply] (...). Final conclusion: application will be granted on the grounds of Article 29(1b)'.

Conclusion

This unaccompanied minor's first claim was refused on the grounds of her account of her flight, which was not deemed plausible. The welfare report in the second procedure states that no value can be attached to the woman's account in view of her intellectual development. The BMA adopted this assessment. The case was reviewed in the light of this fact and a permit was granted by virtue of Paragraph b. The report provided support in the assessment of the plausibility of the account of the individual's flight.

Summary



Background, objectives and research questions

Article 3(1) of the UN Convention on the Rights of the Child (CRC) stipulates that in *all* decisions involving children the *best interests of the child* should be a primary consideration. Not only private or public organisations and courts of law, but also the administrative authorities or legislative bodies should take into account the ‘best interests of the child’ in measures that affect the living conditions of a child. For example, in accordance with civil law, if children are severely neglected or maltreated, an assessment must be made as to whether an out of home placement is in the best interest of the child.

It transpires that professionals can interpret the ‘best interests of the child’ in different ways. Moreover, this legal concept has not been further fleshed out in legislation and international conventions. Thus, a primary objective of this research, on the basis of the literature study, is to render the concept ‘best interests of the child’ more practicable. Our approach will be from the perspective of behavioural sciences. Therefore, we will explore what is known in behavioural sciences, in this case developmental psychology and pedagogy, with regard to the most important childrearing and developmental conditions children should enjoy in order to grow up in good health and to meet their potential. This option is also partly prompted by a second core stipulation in the CRC, namely that children have the *right to development* (article 6(2), CRC). The literature study gives rise to a theoretical model – the Best Interest of the Child (BIC-) model.

A group of children, who are in a vulnerable position and for whom the above-mentioned stipulations in the CRC are called into question, is the group of *asylum-seeking children* whose parents have submitted a request for asylum in the Netherlands. These children have only a marginal position in Netherlands policy on aliens. In fact, in the asylum procedure there is no distinct consideration given to the ‘best interests of the child’; their ‘interests’ are deemed to be represented by their parents. On the strength of the stipulations in the CRC, however, in every legal procedure concerning aliens involving minors, an expedient question to be posed is which decision will most effectively respect the ‘best interests of the child’: return to the country of origin or continued residence in the Netherlands?

In the light of the above, we first validated the BIC-questionnaire we had developed, with a group of asylum-seeking children, who with their parents had submitted an asylum request in the Netherlands. This also enabled us to gain insight into the developmental conditions and, more broadly, the state of development of this group of children. The latter is the third objective of our research.

The research questions formulated in the extension of these objectives are as follows:

1. Which concepts, relevant in pedagogy and developmental psychology, embody the legal concepts 'best interest of the child' and 'right to development', and how is the ensuing theoretical framework related to (stipulations in) the United Nations Convention on the Rights of the Child (CRC)?
2. What are the psychometric qualities and the practical value of a diagnostic instrument (the BIC-Q) based on this theoretical framework, used with asylum-seeking children when decision-making is taking place about their future residence situation?
3. What is the actual state of development of these asylum-seeking children, what is the pedagogical context in which they are growing up and what are the expectations as to their development, either in a continuation or a change in their residence situation or pedagogical context?

Below, we will discuss the results of our study as an answer to the research questions formulated.

Best Interests of the Child (BIC-) model: theory and operationalization

From an international literature study into what children need in order to achieve optimal development (see *Chapter 2*), the following fourteen pedagogical environmental conditions emerged: (1) adequate physical care, (2) safe direct physical environment, (3) affective atmosphere, (4) supportive, flexible childrearing structure, (5) adequate example by parents, (6) interest, (7) continuity in upbringing conditions, future perspective, (8) safe wider physical environment, (9) respect, (10) social network, (11) education, (12) contact with peers, (13) adequate examples in society, and finally (14) stability in life circumstances, future perspective. These conditions, referred to collectively as the BIC-model, on the one hand relate to the family (1-7) and on the other hand to the society (8-14). The conditions continuity in upbringing conditions, future perspective (7) and stability in life circumstances, future perspective (14) refer to pedagogical environmental conditions in the family and in society respectively over a longer period of time.

On the basis of this BIC-model, we developed a questionnaire, the Best Interest of the Child Questionnaire (BIC-Q). This questionnaire can be applied whenever a change of childrearing environment is being considered; the quality of the current childrearing environment (based on the quality of the fourteen pedagogical environmental conditions from the BIC-model) can then be compared with the expectations concerning one (or several) alternative residential situation(s). A decision in favour of the childrearing environment that

provides the child with the best opportunities for development is in line with the Convention on the Rights of the Child. In our research, as stated above, we applied the BIC-Q in the assessment of a selected group of asylum-seeking children (see below). In addition to the quality of the fourteen pedagogical environmental conditions, we demonstrate that, in the decision-oriented formation of a judgement, the opinion of the child (article 12, CRC) is of great importance. Furthermore, the individual vulnerability and resilience of the child are significant factors to be evaluated.

Psychometric and applicability-related qualities of the BIC-Q

We examined the psychometric quality of the BIC-Q by determining the reliability and validity of the quality assessment of the pedagogical environmental conditions. In addition, we investigated the impact of the instrument in a practical application in the asylum procedure ('ecological validity').

Chapter 3 reports the results of the investigation into the reliability of the BIC-Q. The interrater and intrarater reliability ($n = 36$, $n = 35$ respectively), determined using Cohen's Kappa and the proportion of agreements between assessments, were satisfying for the rating of the current and expected environmental conditions. This means that, independently of one another, trained professionals come to the same assessment of the environmental conditions and that this assessment is shown to be stable.

Subsequently, we examined the construct validity on the basis of a non-parametric IRT model (Item Response Theory). The goal was to examine whether there were one or more scales underlying the fourteen environmental conditions ('scalability'). On the basis of the assessment of the quality of the current environmental conditions in a sample of 74 asylum-seeking children, it emerged that the BIC-Q gave a reliable and valid reflection of the concept 'quality of the childrearing environment' (see *Chapter 3*).

Chapter 4 discusses the criterion-oriented validity of the BIC-Q. We investigated whether the quality of the current childrearing environment is predictive of internalizing behaviour problems in asylum-seeking children. This could be anticipated on the basis of earlier (international) research. The quality of the childrearing environment is determined by totalling the dichotomised scores of the fourteen pedagogical environmental conditions from the BIC-Q. The results of a logistic regression analysis demonstrate that the quality of the childrearing environment is a significant predictor of internalizing behaviour problems in asylum-seeking children: the higher the quality of the environmental conditions, the smaller the chance that asylum-seeking children are confronted with internalizing behaviour problems. The analysis demonstrates further that the

variables of age, gender and length of residence in the Netherlands make hardly any contribution to a better prediction of the criterion.

Results of the ROC-curve provide specific insight into the number of children that will, or will not, be confronted with internalizing behaviour problems in the various values of the variable 'quality of the childrearing environment'. The optimal prediction criterion for internalizing behaviour problems in asylum-seeking children was the presence of seven qualitatively high environmental conditions: this criterion enabled a successful classification of the highest percentage of children who were, or were not, confronted with internalizing behaviour problems. From the summarising measure, the area under the ROC-curve, it shows that with the BIC-Q 81% of the research group were satisfactorily classified concerning internalizing behaviour problems.

There is a report on the impact of the BIC-Q application in the asylum procedure ('ecological validity') in *Chapter 5*. A pedagogical report was drawn up *pro justitia* ($N = 70$), based on an assessment of the quality of the current and possible alternative childrearing environments (continued residence in the Netherlands or return to the country of origin). A recommendation, in accordance with the model considered for this purpose, was made in this report as to which decision seemed to serve the 'best interests of the child': return to the country of origin or continued residence in the Netherlands. The lawyer of the family concerned introduced the report into the procedure. From the results, it transpired that in the cases in which a (provisional) decision was made and in which the family did not fall under the 'Regulation Policy', the introduction of the report was considered to be a 'new fact'. This resulted in an opportunity for the family to submit a new application for a residence permit. This is a significant enactment because children's rights thus seem to have played a role in the asylum procedure.

Development and childrearing environment of asylum-seeking children

Our study (*Chapters 3, 4 and 6*) confirmed the findings of earlier international studies that many asylum-seeking children struggle with internalizing behavioural problems, such as anxiety, depressive symptoms, mood disorders and psychosomatic complaints. Asylum-seeking children older than 12 years of age prove to be a specific risk group. This group of adolescents is especially vulnerable because they are in the process of developing their identity. Our research showed further that the current quality of the childrearing environment gives children limited opportunities for development and is in fact a threat to their development. In particular, they lack continuity and stability. The opportunities for development expected in the country of origin seem to be

limited; this is in contrast to the estimated opportunities for development with continued residence in the Netherlands.

Because the asylum-seeking children from the research group have often been living in the Netherlands for several years, in *Chapter 6* we highlighted the group of children and adolescents who have been living in the Netherlands for five years or longer ($N = 80$). This group proved to be suffering from serious internalizing behaviour problems. The parents or carers of these children have to deal with severe emotional problems. Asylum-seeking children above the age of 12 years show the most distressing state of development. They do not have a bond (any more) with their country of origin and have adapted to Dutch society and culture. The provision of continuity and stability in their (current) living situation seems to be of the greatest importance for (the recovery of) a healthy development.

Critical reflections

In spite of the fact that the results of our research can be considered to be promising, we recommend some caution in generalising from the findings. It should be noted that the research group consists of a specific group of asylum-seeking children and the results, therefore, are possibly influenced by the relatively long period of residence of many of these children and their families in the Netherlands. In addition, the representativeness of the research group has possibly been influenced by the fact that this group has included children and their families whose situation, according to their legal representative, should often be considered to be 'harrowing'.

Implications

Because of the inadequate childrearing environment in which many children of asylum-seeking families grow up, the restricted developmental perspectives in their country of origin and the severe internalizing behavioural problems that these children display, an *individual assessment* of the 'best interests of the child' on the basis of (psycho) diagnostic examination within the asylum procedure is necessary, if there is to be compliance with the Convention on the Rights of the Child. Our study has demonstrated that, without an examination like this, there is a risk that the decision-making in such a procedure is in violation of article 3(1) and article 6(2) of the UN Convention on the Rights of the Child.

Nederlandse Samenvatting (Summary in Dutch)

Achtergrond, doelstellingen en onderzoeksvragen

Het Internationale Verdrag voor de Rechten van het Kind (IVRK) bepaalt in artikel 3(1) dat bij *alle* besluiten waar kinderen bij betrokken zijn, het *belang van het kind* een eerste overweging moet zijn. Particuliere en publieke organisaties, de rechterlijke macht, maar ook de overheid dienen zich rekenschap te geven van het ‘belang van het kind’ bij maatregelen die de leefsituatie van kinderen raken. Bijvoorbeeld moet bij ernstige verwaarlozing of mishandeling van kinderen krachtens het civielrecht een inschatting worden gemaakt of een uithuisplaatsing het belang van een kind dient. Het blijkt dat professionals het ‘belang van het kind’ verschillend kunnen interpreteren. Ook wordt dit juridisch concept in wetgeving en internationale verdragen niet nader ingevuld. Een eerste doelstelling van deze studie is dan ook op basis van literatuuronderzoek tot een nadere operationalisering te komen van het begrip ‘belang van het kind’. Hierbij hanteren we een gedragswetenschappelijke invalshoek. Dat wil zeggen dat we nagaan wat er vanuit de gedragswetenschappen, i.c. de ontwikkelingspsychologie en de pedagogiek, bekend is over de belangrijkste opvoedings- en ontwikkelingsvoorwaarden waarover kinderen moeten beschikken om gezond en overeenkomstig hun mogelijkheden te kunnen opgroeien. Deze keuze is (mede) ingegeven door een tweede kernbepaling in het IVRK, namelijk dat kinderen het *recht op ontwikkeling* hebben (Art. 6(2) IVRK). Het literatuuronderzoek mondt uit in een theoretisch model - het Best Interest of the Child (BIC-) model.

Een groep kinderen die in een kwetsbare positie verkeert en bij wie de voornoemde bepalingen in het IVRK vragen oproepen, vormt de groep *asielzoekerskinderen* van wie de ouders een asielaanvraag in Nederland indienen. Deze jeugdigen hebben een marginale juridische positie in het Nederlandse vreemdelingenbeleid. In de vreemdelingenprocedure vormt het ‘belang van het kind’ bij besluitvorming namelijk geen afzonderlijke overweging; hun ‘belang’ wordt geacht gerepresenteerd te zijn via hun ouders. Uitgaande van de bepalingen in het IVRK is echter in elke vreemdelingenrechtelijke procedure waarbij minderjarigen betrokken zijn de vraag opportuun bij welk besluit het ‘belang van het kind’ het meest zuiver tot gelding wordt gebracht: terugkeer naar het land van herkomst of continuering van het verblijf in Nederland?

We hebben, als tweede doelstelling van deze studie, in het licht van het voorgaande de keuze gemaakt om de door ons ontwikkelde BIC-vragenlijst als eerste te valideren in een onderzoeksgroep van asielzoekerskinderen, die met hun ouders een asielaanvraag in Nederland hebben ingediend. Dit stelt ons tevens in staat zicht te krijgen op de ontwikkelingsvoorwaarden en - breder - de staat van ontwikkeling van deze groep kinderen. Dit vormt de derde doelstelling van ons onderzoek.

De onderzoeksvragen die in het verlengde van deze doelen zijn geformuleerd, luiden als volgt:

1. Welke pedagogisch / ontwikkelingspsychologisch relevante concepten vormen de representatie van de juridische begrippen 'belang van het kind' en 'recht op ontwikkeling', en hoe is het hieruit resulterende theoretisch kader of model van ontwikkelingsvoorwaarden gerelateerd aan (bepalingen in) het Internationale Verdrag voor de Rechten van het Kind (IVRK)?
2. Wat zijn de psychometrische kwaliteiten en de gebruikswaarde van een op dit theoretisch kader gebaseerd diagnostisch basisinstrument (de BIC-Q), gehanteerd bij asielzoekerskinderen over wier toekomstige verblijfsituatie besluitvorming plaats vindt?
3. Hoe staat het feitelijk met de ontwikkeling van deze asielzoekerskinderen, hoe ziet de pedagogische context eruit waarin ze opgroeien, en welke verwachtingen zijn er aangaande hun ontwikkeling bij continuering danwel verandering van hun verblijfsituatie of pedagogische context?

We bespreken hieronder de resultaten van onze studie als antwoord op de geformuleerde onderzoeksvragen.

Best Interests of the Child (BIC-) model: theorie en operationalisering

Als resultaat van een internationale literatuurstudie naar wat kinderen nodig hebben om zich optimaal te ontwikkelen (zie *hoofdstuk 2*) komen de volgende veertien omgevingsvoorwaarden naar voren: (1) adequate verzorging, (2) veilige fysieke directe omgeving, (3) affectief klimaat, (4) ondersteunende flexibele opvoedingsstructuur, (5) adequaat voorbeeld gedrag ouder, (6) interesse, (7) continuïteit in opvoeding en verzorging, toekomstperspectief, (8) veilige fysieke ruimere omgeving, (9) respect, (10) sociaal netwerk, (11) educatie, (12) omgang met leeftijdgenoten, (13) adequaat voorbeeldgedrag in de samenleving, en tenslotte (14) stabiliteit in levensomstandigheden, toekomstperspectief. Deze voorwaarden, tezamen aangeduid als het BIC-model, zijn enerzijds gelegen in het gezin (1-7), anderzijds in de samenleving (8-14). De voorwaarden continuïteit in opvoeding en verzorging (7) en stabiliteit in levensomstandigheden (14) verwijzen naar omgevingsvoorwaarden in respectievelijk gezin en samenleving over een langere periode van tijd.

Op basis van dit BIC-model is een vragenlijst ontwikkeld, de Best Interest of the Child Questionnaire (BIC-Q). De vragenlijst kan toegepast worden wanneer voor een kind een verandering van opvoedingsomgeving wordt overwogen; de huidige opvoedingsomgeving (gebaseerd op de kwaliteit van de veertien omgevingsvoorwaarden uit het BIC-model) kan dan vergeleken worden met de verwachtingen omtrent een (of meerdere) alternatieve verblijfsituatie(s). Een besluit ten gunste van de opvoedingsomgeving die het kind de beste

ontwikkelingskansen biedt, is in lijn met het kinderrechtenverdrag. In ons onderzoek hebben we, zoals gezegd, de BIC-Q toegepast bij een assessment van een geselecteerde groep asielzoekerskinderen (zie hieronder). Naast de kwaliteit van de veertien omgevingsvoorwaarden laten we zien dat bij beslissingsgerichte oordeelsvorming de mening van het kind (Art. 12, IVRK) van grote betekenis is. Voorts zijn de individuele kwetsbaarheid en veerkracht van het kind belangrijke wegingsfactoren.

Psychometrische en toepassingskwaliteiten van de BIC-Q

De psychometrische kwaliteit van de BIC-Q is onderzocht door de bepaling van de betrouwbaarheid en validiteit van de beoordeling van de kwaliteit van de omgevingsvoorwaarden. Tevens is verkend wat de impact van het instrument is bij praktische toepassing in de vreemdelingenprocedure ('ecologische validiteit').

Hoofdstuk 3 geeft de resultaten van het onderzoek naar de betrouwbaarheid van de BIC-Q weer. De inter- en intra-beoordelaarsbetrouwbaarheid ($n = 36$, resp. $n = 35$), bepaald met Cohens Kappa en de proportieovereenstemming tussen beoordelingen, zijn bevredigend voor de beoordeling van de huidige en de verwachte omgevingsvoorwaarden. Dit betekent dat getrainde professionals, onafhankelijk van elkaar, tot eenzelfde beoordeling van de omgevingsvoorwaarden komen en dat deze beoordeling stabiel blijkt.

In het verlengde hiervan is de constructvaliditeit onderzocht aan de hand van een non-parametrisch IRT-model (Item Response Theorie). Het doel was om te onderzoeken of er één of meerdere schalen ten grondslag liggen aan de veertien omgevingsvoorwaarden ('scalability'). Op basis van de beoordeling van de kwaliteit van de huidige omgevingsvoorwaarden in een sample van 74 asielzoekerskinderen komt naar voren dat de BIC-Q een betrouwbare en valide afspiegeling geeft van het concept 'kwaliteit van de opvoedingsomgeving' (zie *hoofdstuk 3*).

In *hoofdstuk 4* komt de criterium-georiënteerde validiteit van de BIC-Q aan de orde. Onderzocht is of de kwaliteit van de huidige opvoedingsomgeving voorspellend is voor internaliserende problemen bij asielzoekerskinderen. Op basis van eerder (internationaal) onderzoek mag dit worden verwacht. De kwaliteit van de opvoedingsomgeving is bepaald door de gedichotomiseerde scores van de veertien omgevingsvoorwaarden uit de BIC-Q te sommeren. Uit de resultaten van een logistische regressieanalyse blijkt dat de kwaliteit van de opvoedingsomgeving een significante voorspeller is van internaliserende problematiek bij asielzoekerskinderen: des te meer omgevingsvoorwaarden een hoge kwaliteit hebben, des te kleiner de kans dat asielzoekerskinderen kampen met internaliserende problemen. De analyse laat verder zien dat de variabelen

leeftijd, geslacht en duur van het verblijf in Nederland nauwelijks bijdragen aan een betere voorspelling van het criterium.

Resultaten van de ROC-curve geven een specifiek inzicht in het aantal kinderen dat wel of niet kampt met internaliserende problemen bij de verschillende waarden van de variabele 'kwaliteit van de opvoedingsomgeving'. Het meest optimale voorspellingscriterium voor internaliserende problemen bij asielzoekerskinderen blijkt te liggen bij de aanwezigheid van zeven kwalitatief hoge omgevingsvoorwaarden: bij dit criterium wordt het hoogste percentage kinderen goed geclassificeerd als wel of niet kampend met internaliserende problemen. Uit de samenvattende maat, de oppervlakte onder de ROC-curve, blijkt dat met de BIC-Q 81% van de onderzoeksgroep goed geclassificeerd wordt met betrekking tot internaliserende problematiek.

Over de impact van de BIC-Q bij toepassing in de vreemdelingenprocedure ('ecologische validiteit') wordt verslag gedaan in *hoofdstuk 5*. Op basis van een assessment van de kwaliteit van de huidige en mogelijk alternatieve opvoedingsomgevingen (bij voortgezet verblijf in Nederland of in het land van herkomst) is orthopedagogische rapportage pro justitia opgesteld ($N = 70$). In deze rapportage wordt overeenkomstig het hiervoor besproken model een advies gegeven bij welk besluit het 'belang van het kind' het meest gediend lijkt: terugkeer naar het land van herkomst of voortgezet verblijf in Nederland. Door de advocaat van het desbetreffend gezin is de rapportage ingebracht in de procedure. Uit de resultaten komt naar voren dat in de zaken waarin een (voorlopig) besluit genomen is en het gezin niet onder de regeling 'Generaal Pardon' valt, het inbrengen van de rapportage is aangemerkt als 'nieuw feit'. Hierdoor ontstaat er voor het gezin een mogelijkheid een nieuwe aanvraag voor een verblijfsvergunning in te dienen. Dit is een belangrijke vaststelling omdat kinderrechten in vreemdelingenprocedure aldus een rol gespeeld lijken te hebben.

Ontwikkeling en opvoedingsomgeving van asielzoekerskinderen

Onze studie (*hoofdstuk 3, 4 en 6*) bevestigt de bevindingen uit eerdere internationale studies dat veel asielzoekerskinderen kampen met internaliserende gedragsproblemen zoals angst, depressieve klachten, stemmingsstoornissen en somatische klachten. Asielzoekerskinderen ouder dan 12 jaar blijken een specifieke risicogroep. Deze groep adolescenten is extra kwetsbaar vanwege de ontwikkeling van hun identiteit. Ons onderzoek laat verder zien dat de huidige kwaliteit van de opvoedingsomgeving kinderen beperkte ontwikkelingskansen geeft en een bedreiging vormt voor hun ontwikkeling. Het ontbreekt ze met name aan continuïteit en stabiliteit. De verwachte ontwikkelingskansen die kinderen hebben in het land van herkomst

lijken beperkt; dit in tegenstelling tot de geschatte ontwikkelingskansen bij voortgezet verblijf in Nederland.

Omdat de asielzoekerskinderen uit de onderzoeksgroep vaak al enkele jaren in Nederland verblijven, wordt in *hoofdstuk 6* ingezoomd op de groep kinderen en jongeren die vijf jaar of langer in Nederland verblijft ($N = 80$). Deze groep blijkt met ernstige internaliserende gedragsproblemen te kampen. De ouders/opvoeders van deze groep kinderen hebben te maken met ernstige emotionele problemen. Asielzoekerskinderen boven de 12 jaar laten de meest zorgelijke staat van ontwikkeling zien. Zij hebben geen binding (meer) met het land van herkomst en hebben zich aangepast aan de Nederlandse samenleving en cultuur. Het bieden van continuïteit en stabiliteit in hun levenssituatie lijkt van het grootste belang voor (het herstel van) een gezonde ontwikkeling.

Kritische reflectie

Ondanks dat de resultaten van ons onderzoek als veelbelovend kunnen worden aangemerkt is enige voorzichtigheid geboden bij generalisatie van de bevindingen. De onderzoeksgroep bestaat uit een specifieke groep asielzoekerskinderen, waarbij de resultaten mogelijk beïnvloed worden door de relatief lange verblijfsduur van veel van deze kinderen en hun gezinnen in Nederland. Daarnaast is de representativiteit van de onderzoeksgroep mogelijk beïnvloed doordat kinderen en gezinnen zijn geïncludeerd van wie de situatie volgens hun rechtsvertegenwoordiger vaak als ‘schrijnend’ moet worden beschouwd.

Implicaties

Vanwege de ontoereikende opvoedingsomgeving waarin veel asielzoekerskinderen uit gezinnen opgroeien, de beperkte ontwikkelingsperspectieven in hun land van herkomst en de ernstige internaliserende gedragsproblematiek die deze kinderen laten zien, is een *individuele toetsing* van het ‘belang van het kind’ op basis van (psycho)diagnostisch onderzoek binnen de vreemdelingenprocedure noodzakelijk, wil er sprake zijn van naleving van het Kinderrechtenverdrag. Uit onze studie blijkt dat zonder zo’n onderzoek het risico bestaat dat de besluitvorming in een dergelijke procedure in strijd is met de artikelen 3(1) en 6(2) van het Internationaal Verdrag voor de Rechten van het Kind.

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